IOWA ADMINISTRATIVE BULLETIN

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April 2, 2025 Pages 10105 to 10444

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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)"a"]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike through~~ indicates deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)
441 IAC 79.1(1)"a"(1)"1"	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

Note: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rulemaking—2025

REGULATORY ANALYSIS SUBMISSION DEADLINE	REGULATORY ANALYSIS PUB. DATE	HEARING AND COMMENTS 20 DAYS	FIRST † POSSIBLE NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE 35 DAYS	FIRST POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 18 '24	Jan. 8	Jan. 28	Jan. 31	Feb. 19	Mar. 11	Mar. 26	Mar. 28	Apr. 16	May 21	Aug. 18
Jan. 2	Jan. 22	Feb. 11	Feb. 14	Mar. 5	Mar. 25	Apr. 9	Apr. 11	Apr. 30	June 4	Sep. 1
Jan. 17	Feb. 5	Feb. 25	Feb. 28	Mar. 19	Apr. 8	Apr. 23	Apr. 25	May 14	June 18	Sep. 15
Jan. 31	Feb. 19	Mar. 11	Mar. 14	Apr. 2	Apr. 22	May 7	**May 7**	May 28	July 2	Sep. 29
Feb. 14	Mar. 5	Mar. 25	Mar. 28	Apr. 16	May 6	May 21	May 23	June 11	July 16	Oct. 13
Feb. 28	Mar. 19	Apr. 8	Apr. 11	Apr. 30	May 20	June 4	June 6	June 25	July 30	Oct. 27
Mar. 14	Apr. 2	Apr. 22	Apr. 25	May 14	June 3	June 18	**June 18**	July 9	Aug. 13	Nov. 10
Mar. 28	Apr. 16	May 6	**May 7**	May 28	June 17	July 2	**July 2**	July 23	Aug. 27	Nov. 24
Apr. 11	Apr. 30	May 20	May 23	June 11	July 1	July 16	July 18	Aug. 6	Sep. 10	Dec. 8
Apr. 25	May 14	June 3	June 6	June 25	July 15	July 30	Aug. 1	Aug. 20	Sep. 24	Dec. 22
May 7	May 28	June 17	**June 18**	July 9	July 29	Aug. 13	**Aug. 13**	Sep. 3	Oct. 8	Jan. 5 '26
May 23	June 11	July 1	**July 2**	July 23	Aug. 12	Aug. 27	Aug. 29	Sep. 17	Oct. 22	Jan. 19 '26
June 6	June 25	July 15	July 18	Aug. 6	Aug. 26	Sep. 10	Sep. 12	Oct. 1	Nov. 5	Feb. 2 '26
June 18	July 9	July 29	Aug. 1	Aug. 20	Sep. 9	Sep. 24	Sep. 26	Oct. 15	Nov. 19	Feb. 16 '26
July 2	July 23	Aug. 12	**Aug. 13**	Sep. 3	Sep. 23	Oct. 8	Oct. 10	Oct. 29	Dec. 3	Mar. 2 '26
July 18	Aug. 6	Aug. 26	Aug. 29	Sep. 17	Oct. 7	Oct. 22	**Oct. 22**	Nov. 12	Dec. 17	Mar. 16 '26
Aug. 1	Aug. 20	Sep. 9	Sep. 12	Oct. 1	Oct. 21	Nov. 5	**Nov. 5**	Nov. 26	Dec. 31	Mar. 30 '26
Aug. 13	Sep. 3	Sep. 23	Sep. 26	Oct. 15	Nov. 4	Nov. 19	**Nov. 19**	Dec. 10	Jan. 14 '26	Apr. 13 '26
Aug. 29	Sep. 17	Oct. 7	Oct. 10	Oct. 29	Nov. 18	Dec. 3	**Dec. 3**	Dec. 24	Jan. 28 '26	Apr. 27 '26
Sep. 12	Oct. 1	Oct. 21	**Oct. 22**	Nov. 12	Dec. 2	Dec. 17	**Dec. 17**	Jan. 7 '26	Feb. 11 '26	May 11 '26
Sep. 26	Oct. 15	Nov. 4	**Nov. 5**	Nov. 26	Dec. 16	Dec. 31	**Dec. 31**	Jan. 21 '26	Feb. 25 '26	May 25 '26
Oct. 10	Oct. 29	Nov. 18	**Nov. 19**	Dec. 10	Dec. 30	Jan. 14 '26	Jan. 16 '26	Feb. 4 '26	Mar. 11 '26	June 8 '26
Oct. 22	Nov. 12	Dec. 2	**Dec. 3**	Dec. 24	Jan. 13 '26	Jan. 28 '26	Jan. 30 '26	Feb. 18 '26	Mar. 25 '26	June 22 '26
Nov. 5	Nov. 26	Dec. 16	**Dec. 17**	Jan. 7 '26	Jan. 27 '26	Feb. 11 '26	Feb. 13 '26	Mar. 4 '26	Apr. 8 '26	July 6 '26
Nov. 19	Dec. 10	Dec. 30	**Dec. 31**	Jan. 21 '26	Feb. 10 '26	Feb. 25 '26	Feb. 27 '26	Mar. 18 '26	Apr. 22 '26	July 20 '26
Dec. 3	Dec. 24	Jan. 13 '26	Jan. 16 '26	Feb. 4 '26	Feb. 24 '26	Mar. 11 '26	Mar. 13 '26	Apr. 1 '26	May 6 '26	Aug. 3 '26
Dec. 17	Jan. 7 '26	Jan. 27 '26	Jan. 30 '26	Feb. 18 '26	Mar. 10 '26	Mar. 25 '26	Mar. 27 '26	Apr. 15 '26	May 20 '26	Aug. 17 '26
Dec. 31	Jan. 21 '26	Feb. 10 '26	Feb. 13 '26	Mar. 4 '26	Mar. 24 '26	Apr. 8 '26	Apr. 10 '26	Apr. 29 '26	June 3 '26	Aug. 31 '26

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following business day will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more business days in advance of the deadline. The first possible notice submission deadline noted above may not allow sufficient time for this. **Agencies should plan accordingly.**

Note change of filing deadline

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, April 7, 2025, at 10 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

NOTE: See also Agenda published in the March 19, 2025, Iowa Administrative Bulletin.

ALCOHOLIC BEVERAGES DIVISION[185]

INSURANCE AND FINANCIAL SERVICES DEPARTMENT[181]"umbrella"

Retail alcohol licenses—beer permits—wine permits; license and permit division; transportation and warehouse; personal importation of alcoholic liquor, wine, and beer; trade practices, rescind chs 4, 5, 8, 9, 16 Filed **ARC 9062C** 4/2/25

Private wine sales, rescind ch 14 Filed **ARC 9063C** 4/2/25

HUMAN SERVICES DEPARTMENT[441]

Facility assessments, ch 36 Filed **ARC 9064C** 4/2/25

Promoting awareness of the benefits of a healthy marriage, ch 48 Filed **ARC 9065C** 4/2/25

Intermediate care facilities for persons with an intellectual disability, ch 82 Filed **ARC 9066C** 4/2/25

Early and periodic screening, diagnosis, and treatment, ch 84 Filed **ARC 9067C** 4/2/25

INSPECTIONS AND APPEALS DEPARTMENT[481]

Continuing education for funeral directors, 902.2(4) Filed **ARC 9068C** 4/2/25

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Federal occupational safety and health standards for hazardous chemicals—adoption by reference, 10.4 Filed Emergency After Notice **ARC 9069C** 4/2/25

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Resource enhancement and protection program: county, city, private open spaces and conservation education grant programs, 33.4(3), 33.19 to 33.30 Notice **ARC 9061C** 4/2/25

PUBLIC HEALTH DEPARTMENT[641]

Swimming pools, spas, and spray pads, ch 15 Notice **ARC 9048C** 4/2/25

Blood lead testing, ch 67 Filed **ARC 9070C** 4/2/25

Control of lead-based paint hazards, ch 68 Filed **ARC 9071C** 4/2/25

Emergency information system on pesticides for use by health care providers during medical emergencies, rescind ch 71 Filed **ARC 9073C** 4/2/25

Childhood lead poisoning prevention program, ch 72 Filed **ARC 9074C** 4/2/25

White flashing light authorization, ch 133 Filed **ARC 9075C** 4/2/25

Trauma triage and transfer protocols, ch 135 Filed **ARC 9076C** 4/2/25

Trauma registry, ch 136 Filed **ARC 9077C** 4/2/25

Trauma education and training, ch 137 Filed **ARC 9078C** 4/2/25

Emergency medical services—training programs—students—complaints and investigations, ch 139 Filed **ARC 9079C** 4/2/25

Emergency medical services system development grants fund, ch 140 Filed **ARC 9080C** 4/2/25

Out-of-hospital do-not-resuscitate orders, ch 142 Filed **ARC 9081C** 4/2/25

Automated external defibrillator maintenance, ch 143 Filed **ARC 9082C** 4/2/25

Emergency medical services—air medical service program authorization, rescind ch 144 Filed **ARC 9083C** 4/2/25

Stroke care reporting, ch 146 Filed **ARC 9084C** 4/2/25

PUBLIC SAFETY DEPARTMENT[661]

State building code—factory-built structures, ch 16 Notice **ARC 9050C** 4/2/25

Fire marshal administration; general fire safety requirements; requirements for specific occupancies; fire safety requirements for hospitals and health care facilities; smoke alarms/detectors; carbon monoxide alarm, rescind chs 200, 201, 202, 205, 210, 211; adopt ch 201 Notice **ARC 9047C** 4/2/25

State building code—administration, ch 300 Notice **ARC 9051C** 4/2/25

State building code—general provisions, accessibility of buildings and facilities available to the public, energy conservation in construction; sustainable design standards; weather safe rooms; state historic building code, rescind chs 301 to 303, 310, 315, 350; adopt ch 301 Notice **ARC 9052C** 4/2/25

State building code—manufactured housing support and anchorage systems, ch 322 Notice **ARC 9049C** 4/2/25

Temporary emergency use of factory-built structures—commercial use, ch 323 Notice **ARC 9053C** 4/2/25

REVENUE DEPARTMENT[701]

Inheritance tax; Iowa estate tax; generation skipping transfer tax, adopt ch 900; rescind chs 901, 902 Notice **ARC 9072C** 4/2/25
General requirements, ch 1000 Filed **ARC 9085C** 4/2/25
Alcohol product management and warehousing, ch 1001 Filed **ARC 9086C** 4/2/25
Personal importation of alcoholic beverages, ch 1002 Filed **ARC 9087C** 4/2/25
Trade practices, ch 1003 Filed **ARC 9088C** 4/2/25

SCHOOL BUDGET REVIEW COMMITTEE[289]

EDUCATION DEPARTMENT[281]"umbrella"

Organization and administrative procedures, ch 1 Notice **ARC 9054C** 4/2/25
Petitions for rulemaking, ch 2 Notice **ARC 9057C** 4/2/25
Declaratory rulings, ch 3 Notice **ARC 9055C** 4/2/25
Agency procedure for rulemaking, ch 4 Notice **ARC 9058C** 4/2/25
Public records and fair information practices, ch 5 Notice **ARC 9056C** 4/2/25
Duties and operational procedures, ch 6 Notice **ARC 9060C** 4/2/25
Waivers from administrative rules, ch 8 Notice **ARC 9059C** 4/2/25

UTILITIES COMMISSION[199]

Restoration of agricultural lands during and after pipeline construction, ch 9 Filed **ARC 9089C** 4/2/25
Rate cases, tariffs, and rate regulation election practice and procedure, ch 26 Filed **ARC 9090C** 4/2/25

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

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Vice Chair
Senate District 32

Senator Mike Bousselot
Senate District 21

Senator Dan Dawson
Senate District 10

Senator Sarah Trone Garriot
Senate District 14

Senator Cindy Winckler
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AGING, DEPARTMENT ON[17]

Commission on aging; aging and disability resource center, rescind chs 3, 23 IAB 3/19/25 **ARC 9003C**	Microsoft Teams Meeting ID: 246 390 422 665 Passcode: C4Y3tQ7s	April 8, 2025 10 to 11 a.m.
	Microsoft Teams Meeting ID: 226 946 205 399 Passcode: f4dq3nM7	April 8, 2025 11 a.m. to 12 noon

COLLEGE STUDENT AID COMMISSION[283]

Future ready Iowa skilled workforce last-dollar scholarship program, ch 15; Iowa work-study program, ch 18; debt collection, ch 37 IAB 3/19/25 **Regulatory Analyses**	Room B50 Grimes State Office Building Des Moines, Iowa	April 8, 2025 4 p.m.

EDUCATION DEPARTMENT[281]

Charter schools, 19.9; regional career and technical education partnership—state funds, 46.10(6) IAB 3/19/25 **Regulatory Analyses**	Room B100 Grimes State Office Building Des Moines, Iowa	April 8, 2025 8 to 8:45 a.m.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Local emergency mgmt., ch 7 IAB 3/19/25 **ARC 9019C**	Geode Room 7900 Hickman Road Windsor Heights, Iowa Via videoconference call: meet.google.com/oqm-wujn-dif Or dial: 1.475.277.0077 PIN: 619 998 977#	April 8, 2025 9:30 a.m. April 9, 2025 9:30 a.m.
Criteria for awards or grants, ch 8 IAB 3/19/25 **ARC 9020C**	Geode Room 7900 Hickman Road Windsor Heights, Iowa Via videoconference call: meet.google.com/oqm-wujn-dif Or dial: 1.475.277.0077 PIN: 619 998 977#	April 8, 2025 9 a.m. April 9, 2025 9 a.m.
Mass notification and emergency messaging system, ch 15 IAB 3/19/25 **ARC 9017C**	Geode Room 7900 Hickman Road Windsor Heights, Iowa Via videoconference call: meet.google.com/oqm-wujn-dif Or dial: 1.475.277.0077 PIN: 619 998 977#	April 8, 2025 8:30 a.m. April 9, 2025 8:30 a.m.

HUMAN SERVICES DEPARTMENT[441]

Disability services management; alternative diagnostic facilities; definitions, behavioral health—service system eligibility and services, administrative service organizations, district advisory councils; mental health advocates, data collection, rescind chs 25, 34, adopt chs 300 to 302, 304, 305, 310; policies for mental health institutes and resource center; mental health institutes; state resource center, chs 28 to 30 IAB 3/19/25 **ARCs 9005C**, **9016C**	Microsoft Teams Meeting ID: 269 346 023 061 Passcode: rB6xd97g Microsoft Teams Meeting ID: 287 225 010 706 Passcode: qB6f8ic6	April 8, 2025 1 to 2 p.m. April 8, 2025 3 to 4 p.m.
Medicaid for employed people with disabilities program—premium amounts, 75.1(39)"b"(3) IAB 3/19/25 **Regulatory Analysis**	Microsoft Teams Meeting ID: 285 090 102 852 Passcode: xo9b9xv6	April 8, 2025 2:30 to 3 p.m.
Specialized managed care programs, ch 88 IAB 3/19/25 **ARC 9006C**	Microsoft Teams Meeting ID: 285 090 102 852 Passcode: xo9b9xv6 Microsoft Teams Meeting ID: 295 681 622 690 Passcode: wx7Nh7xv	April 8, 2025 2:30 to 3 p.m. April 8, 2025 4 to 4:30 p.m.
Disability services definitions; disability services advisory councils; disability services; aging and disability resource centers; data collection, chs 221 to 224, 229 IAB 3/19/25 **ARC 9018C**	Microsoft Teams Meeting ID: 246 390 422 665 Passcode: C4Y3tQ7s Microsoft Teams Meeting ID: 226 946 205 399 Passcode: f4dq3nM7	April 8, 2025 10 to 11 a.m. April 8, 2025 11 a.m. to 12 noon

INSPECTIONS AND APPEALS DEPARTMENT[481]

Licensure of occupational therapists and occupational therapy assistants, ch 804 IAB 3/19/25 **Regulatory Analysis**	6200 Park Avenue Des Moines, Iowa Google Meet: meet.google.com/eaa-sciu-vjz Or dial: 1.574.440.8035 PIN: 895 818 900# More phone numbers: tel.meet/eaa-sciu-vjz?pin=1641821153114	April 9, 2025 12 noon to 12:30 p.m.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Contribution rates; proof of date of birth, 4.6, 11.1(1)"a" IAB 3/19/25 **ARC 9046C**	IPERS 7401 Register Drive Des Moines, Iowa Via conference call: teams.microsoft.com/l/meetup-join Meeting ID: 238 457 440 852 Passcode: 9yr9qy2P	April 8, 2025 10 to 11 a.m.

LABOR SERVICES DIVISION[875]

Federal occupational safety and health standards for personal protective equipment in construction—adoption by reference, 26.1 IAB 3/5/25 **ARC 8980C**	Lake Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa	April 2, 2025 2 to 2:15 p.m.

NATURAL RESOURCE COMMISSION[571]

Resource enhancement and protection program: county, city, private open spaces and conservation education grant programs, 33.4(3), 33.19 to 33.30 IAB 4/2/25 **ARC 9061C**	Suite 200 6200 Park Avenue Des Moines, Iowa	April 23, 2025 1:30 to 3:30 p.m.
	Virtual (via Google Meet or Zoom) A meeting registration link will be provided prior to the hearing	May 7, 2025 1:30 to 3:30 p.m.

PROFESSIONAL LICENSURE DIVISION[645]

Agency reorganization—barbershops; barber schools; barbers; barber instructors, rescind chs 21 to 25 IAB 3/19/25 **ARC 9007C**	6200 Park Avenue Des Moines, Iowa	April 8, 2025 1:30 to 2 p.m.

PUBLIC HEALTH DEPARTMENT[641]

Swimming pools, spas, and spray pads, ch 15 IAB 4/2/25 **ARC 9048C**	6200 Park Avenue, Suite 100 Des Moines, Iowa	April 29, 2025 10 to 10:30 a.m. April 30, 2025 2:30 to 3 p.m.

PUBLIC SAFETY DEPARTMENT[661]

State building code; temporary emergency use of factory-built structures—commercial use, rescind chs 302, 303, 310, 315, 350; adopt chs 16, 300, 301, 322, 323 IAB 4/2/25 **ARCs 9049C**, **9050C**, **9051C**, **9052C**, **9053C**	6200 Park Avenue, Suite 100 Des Moines, Iowa	April 22, 2025 10 to 10:30 a.m. April 23, 2025 2:30 to 3 p.m.
Fire marshal administration; fire safety; specific occupancies; fire safety for hospitals and health care facilities; smoke alarms/detectors; carbon monoxide alarm, rescind chs 200 to 202, 205, 210, 211; adopt ch 201 IAB 4/2/25 **ARC 9047C**	Geode Conference Room 6200 Park Avenue Des Moines, Iowa	April 22, 2025 9 to 9:30 a.m.
	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa	April 23, 2025 11 to 11:30 a.m.

REVENUE DEPARTMENT[701]

Tax return preparers, 8.9 IAB 4/2/25 **Regulatory Analysis**	Via videoconference call meet.google.com/ibd-btoe-djw	April 22, 2025 2 to 2:30 p.m.
Inheritance tax; Iowa estate tax; generation skipping transfer tax, adopt ch 900; rescind chs 901, 902 IAB 4/2/25 **ARC 9072C**	Via videoconference call meet.google.com/foy-zciw-fkn	April 22, 2025 10:30 to 11 a.m.
	Via videoconference call meet.google.com/ejj-jyxh-bvm	April 22, 2025 3 to 3:30 p.m.

SCHOOL BUDGET REVIEW COMMITTEE[289]

Organization and administrative procedures; petitions and procedure for rulemaking; declaratory rulings; public records and fair information practices; duties and operational procedures; waivers from rules, chs 1 to 6, 8 IAB 4/2/25 **ARCs 9054C**, **9055C**, **9056C**, **9057C**, **9058C**, **9059C**, **9060C**	State Board Room Grimes State Office Building Des Moines, Iowa	April 22, 2025 8 to 8:30 a.m. April 22, 2025 1 to 1:30 p.m.

TRANSPORTATION DEPARTMENT[761]

Interstate registration and operation of vehicles, ch 500 IAB 4/2/25 **Regulatory Analysis**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 597 383 8	April 25, 2025 9 to 9:30 a.m.
Interstate motor vehicle fuel licenses and permits, ch 505 IAB 3/19/25 **Regulatory Analysis**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 274 584 897	April 11, 2025 9 to 9:30 a.m.
License examination, ch 604 IAB 3/19/25 **Regulatory Analysis**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 170 430 735	April 11, 2025 1 to 1:30 p.m.
Nonoperator's identification, ch 630 IAB 3/19/25 **Regulatory Analysis**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 912 465 408	April 11, 2025 2 to 2:30 p.m.

UTILITIES COMMISSION[199]

Accounting, ch 16 IAB 2/19/25 **ARC 8931C**	Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa Also via Zoom	April 11, 2025 9 to 11 a.m.

WORKFORCE DEVELOPMENT BOARD AND WORKFORCE DEVELOPMENT CENTER ADMINISTRATION DIVISION[877]

Workforce development board, ch 1 IAB 4/2/25 **Regulatory Analysis**	Microsoft Teams link Meeting ID: 275 521 681 62 Passcode: aw3Kg9QX Or dial: +1 469.998.6043 Phone conference ID: 914 241 620#	April 22, 2025 9 a.m.
Administration, ch 2 IAB 4/2/25 **Regulatory Analysis**	Microsoft Teams link Meeting ID: 213 058 158 260 Passcode: wD9Ln2NZ Or dial: +1 469.998.6043 Phone conference ID: 990 503 947#	April 22, 2025 10 to 10:30 a.m.

The following list will be updated as changes occur.

"Umbrella" agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory "umbrellas."

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

ADMINISTRATIVE SERVICES DEPARTMENT[11]
AGING, DEPARTMENT ON[17]
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
  Soil Conservation and Water Quality Division[27]
ATTORNEY GENERAL[61]
AUDITOR OF STATE[81]
BEEF CATTLE PRODUCERS ASSOCIATION, IOWA[101]
BLIND, DEPARTMENT FOR THE[111]
CHIEF INFORMATION OFFICER, OFFICE OF THE[129]
OMBUDSMAN[141]
CIVIL RIGHTS COMMISSION[161]
INSURANCE AND FINANCIAL SERVICES DEPARTMENT[181]
  Alcoholic Beverages Division[185]
  Banking Division[187]
  Credit Union Division[189]
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  Professional Licensing and Regulation Bureau[193]
    Accountancy Examining Board[193A]
    Architectural Examining Board[193B]
    Engineering and Land Surveying Examining Board[193C]
    Landscape Architectural Examining Board[193D]
    Real Estate Commission[193E]
    Real Estate Appraiser Examining Board[193F]
    Interior Design Examining Board[193G]
UTILITIES COMMISSION[199]
CORRECTIONS DEPARTMENT[201]
  Parole Board[205]
CULTURAL AFFAIRS DEPARTMENT[221]
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ECONOMIC DEVELOPMENT AUTHORITY[261]
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IOWA FINANCE AUTHORITY[265]
EDUCATION DEPARTMENT[281]
  Educational Examiners Board[282]
  College Student Aid Commission[283]
  Higher Education Loan Authority[284]
  Libraries and Information Services Division[286]
  Public Broadcasting Division[288]
  School Budget Review Committee[289]
EGG COUNCIL, IOWA[301]
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
EXECUTIVE COUNCIL[361]
FAIR BOARD[371]
HUMAN RIGHTS DEPARTMENT[421]
HUMAN SERVICES DEPARTMENT[441]
INSPECTIONS AND APPEALS DEPARTMENT[481]
  Employment Appeal Board[486]
  Child Advocacy Board[489]
  Racing and Gaming Commission[491]
  State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

IOWA PUBLIC INFORMATION BOARD[497]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
MANAGEMENT DEPARTMENT[541]
  Appeal Board, State[543]
  City Finance Committee[545]
  County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
  Environmental Protection Commission[567]
  Natural Resource Commission[571]
  Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]
PUBLIC DEFENSE DEPARTMENT[601]
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
  Professional Licensure Division[645]
  Medicine Board[653]
  Nursing Board[655]
  Pharmacy Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
  Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
  Labor Services Division[875]
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  Workforce Development Board and Workforce Development Center Administration Division[877]

Regulatory Analysis

Notice of Intended Action to be published: rule 701—8.9(421)
"Tax Return Preparers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 421.14

State or federal law(s) implemented by the rulemaking: Iowa Code sections 421.62, 421.63, and 421.64

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 2 to 2:30 p.m.	Via virtual/videoconference: meet.google.com/ibd-btoe-djw

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Revenue no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kurt Konek
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50306-3457
Phone: 515.587.0440
Email: kurt.konek@iowa.gov

Purpose and Summary

This proposed rule describes the continuing education obligations and other requirements for Iowa tax return preparers to maintain and the penalties imposed if the obligations and requirements are not maintained. This rule previously existed as rule 701—7.36(17A), which was rescinded. Readopting the rule under Chapter 8 provides the benefit of providing definitions and examples as useful guidance.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

No classes of persons have been identified to bear the costs of the proposed rule.

- **Classes of persons that will benefit from the proposed rulemaking:**

Tax return preparers will benefit by having clear and consistent guidance for their requirements, as provided in this proposed rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

No economic impact as a result of the proposed rule has been identified. The penalties described in this chapter are imposed by statute. The rule itself imposes no additional costs.

- **Qualitative description of impact:**

The rule serves to provide guidelines in the form of definitions and examples to help both the Department and tax return preparers understand how requirements and related penalties apply to tax return preparers to operate in Iowa and maintain continuing education requirements.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs to the Department related to implementing the proposed rule beyond those that would otherwise be required to administer the statute.

- **Anticipated effect on state revenues:**

There is no anticipated effect on state revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

There are no costs associated with the proposed rule. The benefits of the rule are reducing confusion and providing consistency for requirements expected of tax return preparers.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The proposed rulemaking is not costly or intrusive.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Department considered the possibility of not providing the rule in this chapter but determined that it provides useful guidance to tax return preparers.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The absence of this rule would lead to confusion and reduce consistency on the requirements expected of tax return preparers.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rule does not have a substantial impact on small business since it does not make any special distinctions for small businesses.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** rule 701—8.9(421):

701—8.9(421) Tax return preparers.

8.9(1) *Definitions.* Unless otherwise indicated in this rule or required by the context, all words and phrases used in this rule that are defined under Iowa Code sections 421.62, 421.63, and 421.64 shall have the same meaning as provided under those Iowa Code sections.

"An enrolled agent enrolled to practice before the federal Internal Revenue Service (IRS) pursuant to 31 CFR §10.4" means an individual who has an active status as an enrolled agent under 31 CFR §10.4(a) or (d) and is not currently under suspension or disbarment from practice before the IRS. An enrolled agent does not include an enrolled retirement plan agent under 31 CFR §10.4(b) or a registered tax return preparer under 31 CFR §10.4(c).

"An individual admitted to practice law in this state or another state" means an individual who has an active license to practice law in this state or another state, is considered in good standing with the licensing authority of this or another state, and is currently authorized to engage in the practice of law.

"An individual licensed as a certified public accountant or a licensed public accountant under Iowa Code chapter 542 or a similar law of another state" means an individual who has an active certified public accountant license or an active public accountant license under Iowa Code chapter 542 or a similar law of another state and is in good standing with the accountancy examining board or similar authority of another state.

"Hour of continuing education" means a minimum of 50 minutes spent by a tax return preparer in actual attendance at or completion of an IRS-approved provider of continuing education course.

"New tax preparer" means an individual who qualifies as a tax return preparer for the current tax year but would not have qualified as such during any prior calendar year. Paragraph 8.9(8)*"a"* includes examples regarding who qualifies as a new tax preparer.

8.9(2) *Penalty for tax return preparer's failure to include preparer tax identification number (PTIN) on income tax returns or claims for refund.* A tax return preparer who fails to include the tax return preparer's PTIN on any income tax return or claim for refund prepared by the tax return preparer and filed with the department is subject to a penalty pursuant to Iowa Code section 421.62(2). Paragraph 8.9(8)*"c"* includes examples pertaining to the tax return preparer PTIN requirement.

8.9(3) *Tax return preparer continuing education requirement.* A tax return preparer shall complete a minimum of 15 hours of continuing education courses each year. At least two hours of continuing education shall be on professional ethics, and the remaining hours shall pertain to federal or state income tax. Each course shall be taken from an IRS-approved provider of continuing education. If a course offered by an IRS-approved provider is primarily on state-specific income tax content, the course will qualify for the continuing education requirements under Iowa Code section 421.64 and this rule, even if such course does not count toward federal continuing professional education. Tax return preparers who complete more than the required 15 hours of continuing education in one calendar year may not count the excess hours toward a subsequent year's requirement. Paragraph 8.9(8)*"b"* includes examples pertaining to the tax return preparer continuing education requirement.

8.9(4) *Preparation of income tax returns or claims for refund.* An individual prepares an income tax return or claim for refund when the individual signs (or should sign) a return, either because the individual completes the return or because the individual assumes final responsibility for preliminary work completed by other individuals.

8.9(5) *Approved providers and courses.*

a. Approved providers of continuing education. Any IRS-approved provider of continuing education is acceptable. It is not mandatory that a continuing education course be taken from an Iowa provider.

b. Approved continuing education course subject matters. Only continuing education courses on the topics of federal or state income tax or professional ethics are approved for credit.

c. Approved continuing education format. Continuing education courses that satisfy the requirements of Iowa Code section 421.64 and this rule may be taken for credit in person, online, or by self-study as long as they are administered by an IRS-approved provider of continuing education.

8.9(6) *Reporting hours of continuing education and retaining records.*

a. Reporting hours of continuing education to the department. Tax return preparers shall report their continuing education hours to the department by February 15 of the calendar year following the

year in which hours were completed to be eligible to prepare income tax returns or claims for refund. Hours must be reported using IA Form 78-012 or by completing the Income Tax Preparer Continuing Education form on GovConnectIowa. If a tax return preparer fails to complete the required minimum hours of continuing education by the date prescribed in this subrule, the individual must show that failure to do so was reasonable under the circumstances and not willful or reckless conduct. IRS-approved providers are not required to report continuing education courses to the department.

b. Retaining records of continuing education. Tax return preparers are required to retain records of continuing education completion for a minimum of five years. This record retention shall include but not be limited to certificates of completion if offered by the IRS-approved provider of continuing education upon completion of a course.

8.9(7) *Reinstatement of a tax return preparer.* When a tax return preparer fails to complete the minimum 15 hours of continuing education courses but demonstrates that the failure was reasonable under the circumstances and not willful or reckless conduct, the department may require the tax return preparer to make up any uncompleted hours and submit a completed IA Form 78-012 to the department or complete the Income Tax Preparer Continuing Education form on GovConnectIowa by a date set by the department before the tax return preparer may engage in activity as a tax return preparer.

8.9(8) *Examples.*

a. Tax return preparer examples.

EXAMPLE 1: During prior calendar years, an individual, N, prepared nine or fewer income tax returns or claims for refund for a fee or other consideration. During the current calendar year, N, for a fee or other consideration, prepares ten income tax returns or claims for refund. N meets the definition of a "tax return preparer" for the current calendar year. Therefore, N will be subject to the penalty for failure to include N's PTIN on every income tax return or claim for refund that N prepares during the current calendar year. However, N also qualifies as a new tax preparer for the current calendar year because this is the first year N satisfies the definition of a "tax return preparer." Therefore, N does not need to complete 15 hours of continuing education courses during the prior calendar year to prepare returns in the current calendar year. N will need to complete the minimum 15 hours of continuing education courses during the current calendar year to be eligible to prepare returns during the following calendar year if N meets the definition of "tax return preparer" in the following calendar year.

EXAMPLE 2: An individual, B, prepared ten income tax returns or claims for refund during a prior calendar year for a fee or other consideration. Therefore, B is a tax return preparer. B continues to prepare income tax returns or claims for refund for a fee or other consideration during the current calendar year, but B only prepares a total of nine such tax returns throughout the current calendar year. B does not complete any hours of continuing education courses during the current calendar year. B will not be eligible to prepare ten or more income tax returns or refund claims for a fee or other consideration during the next calendar year because, even though B did not prepare ten or more income tax returns or claims for refund in the current calendar year, B would have been classified as a tax return preparer in a prior calendar year. Thus, B is not considered a new tax preparer.

b. Continuing education requirement examples.

EXAMPLE 3: During the calendar year, an individual, P, prepares ten income tax returns or claims for refund for a fee or other consideration. Therefore, P is a tax return preparer. During the calendar year, P also completes 30 hours of continuing education courses from programs offered by an IRS-approved provider of continuing education, 4 hours of which are on professional ethics and the remaining hours on income tax. P is eligible to prepare returns during the next calendar year. However, P must complete 15 additional hours of continuing education courses offered by an IRS-approved provider, including 2 hours on professional ethics and the remaining hours on income tax, during the next calendar year to be eligible to prepare returns in the following calendar year if P is to meet the definition of "tax return preparer" in the following calendar year. P's excess hours completed

in a previous calendar year may not be applied toward the 15 hours of continuing education courses that P must complete in a future calendar year.

EXAMPLE 4: During the prior calendar year, a tax return preparer, P, completes 12 hours of continuing education courses from programs offered by an IRS-approved provider of continuing education. Two of the hours are on professional ethics, and the rest relate to income tax. P is not eligible to prepare income tax returns or claims for refund during the current calendar year, regardless of the tax year of the returns P is preparing, because P has not completed a total of 15 continuing education hours during the prior calendar year. During the current calendar year, P completes 15 hours of continuing education courses from programs offered by an IRS-approved provider. Two of P's hours are from professional ethics courses, and the remaining 13 hours are from income tax courses. P is eligible to prepare returns during the following calendar year, regardless of the tax years of the returns P prepares. However, P is still ineligible to prepare returns for the remaining duration of the current calendar year, regardless of the tax years of the returns P wishes to prepare.

c. PTIN requirement examples.

EXAMPLE 5: An individual, X, works at a firm in the business of preparing income tax returns for a fee or other consideration. X completes a substantial amount of preliminary work on ten returns (that are not the returns of X's employer) described in this rule during the scope of X's employment during the calendar year, but X does not assume final responsibility for the work or sign the returns. Instead, X's supervisor, Y, reviews the work completed by X and signs the returns. Y is a tax return preparer because Y assumed final responsibility for the returns. Therefore, Y's PTIN is required on all of the returns. X's PTIN is not required on any of the returns, nor will X incur any penalties for omitting X's PTIN on the returns.

EXAMPLE 6: An individual, X, has a partnership with another individual, Y, in which X and Y prepare income tax returns for a fee or other consideration. X completes ten income tax returns during the calendar year. However, before X signs or files the returns, X asks Y to review the returns. Y reviews the returns and suggests substantial changes, but Y then gives the returns back to X. X makes the necessary changes, then signs and files the returns. X is a tax return preparer. X's PTIN is required on all of the returns because X assumed final responsibility for the returns. Y's PTIN is not required on any of the returns. If X omits X's PTIN on any of the returns, X will incur a $50 civil penalty for each violation unless X shows that the omission was reasonable under the circumstances and not willful or reckless conduct.

EXAMPLE 7: An individual, X, completes five income tax returns and five claims for refund for a fee or other consideration during a calendar year. X does not sign the returns, even though no other paid tax return preparer reviewed X's work and took final responsibility for the return. X's PTIN is required on all of the returns because X is a paid tax return preparer for those returns, even though X failed to sign the returns as required. X is subject to a fine of $50 per return that omitted the required PTIN because X is a tax return preparer.

This rule is intended to implement Iowa Code sections 421.62, 421.63, and 421.64.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 500
"Interstate Registration and Operation of Vehicles"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 326.33

State or federal law(s) implemented by the rulemaking: Iowa Code sections 17A.9A, 321.20A, 321.126, 321.127, 321.129 and 321.134 and chapter 326

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 25, 2025 9 to 9:30 a.m.	Microsoft Teams Link Or dial: 515.817.6093 Conference ID: 597 383 8

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Transportation no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Debbie Freeman
6310 SE Convenience Boulevard
Ankeny, Iowa 50021
Email: deborah.freeman@iowadot.us

Purpose and Summary

The purpose of the proposed chapter is to comply with Iowa Code chapter 326 by outlining the process and procedures to obtain International Registration Plan (IRP) credentials and all recordkeeping requirements. Iowa is a member jurisdiction of the IRP, and the apportionable registration is required for motor carriers that operate in interstate commerce.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs or fees associated with this chapter beyond what is required by the underlying statute. Rather, the purpose of the rules is to establish the eligibility requirements, application process and guidelines for apportionable registration.

- **Classes of persons that will benefit from the proposed rulemaking:**

Persons seeking to obtain IRP credentials will benefit from this chapter by knowing the eligibility criteria, application process and guidelines for apportionable registration.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There are no additional quantitative impacts that were not already anticipated as a result of the underlying statute, which requires the Department to have a process in place to issue apportionable registration to qualified applicants.

- **Qualitative description of impact:**

The result of reorganizing, streamlining and reducing redundancy in the proposed chapter will create a positive impact by producing a more user-friendly version of the rules that the public relies on for understanding how to obtain apportionable registration.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no additional implementation or enforcement costs in the proposed rules that were not already required as a result of the underlying statute. The statute requires the Department to have a process in place to issue apportionable registration to qualified applicants.

- **Anticipated effect on state revenues:**

There are no anticipated effects on state revenues beyond those of the underlying statute.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The benefit of the proposed chapter is consistency and transparency regarding the processes and requirements for obtaining apportionable registration in Iowa.

The cost of inaction is the inability for qualified applicants to understand quickly and efficiently what is required to obtain and maintain apportionable registration in Iowa.

There is no benefit of inaction.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

There are no less costly or less intrusive methods to achieve the purpose of the proposed rules.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Department did not consider alternatives for the proposed rules. The Department is required by the Iowa Code to have a process in place to issue apportionable registration to qualified applicants.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no small business impact beyond what was already anticipated under the statute. The proposed rules apply equally to all persons seeking apportionable registration under the Iowa Code.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 500 and adopt the following **new** chapter in lieu thereof:

MOTOR CARRIERS

CHAPTER 500
INTERSTATE REGISTRATION AND OPERATION OF VEHICLES

761—500.1(326) Definitions. The definitions in Iowa Code sections 326.2 and 326.3 apply to this chapter. In addition:

"Distance schedule" means the department form used to report fleet distance.

"IRP" means the International Registration Plan as defined in Iowa Code section 326.2.

"Qualified registrant" means a motor carrier who has received written approval by the department to self-certify IRP credential destruction.

"Self-certification of IRP credential destruction" means a signed statement that is completed by a qualified registrant certifying the date the IRP credentials have been destroyed.

"Temporary evidence of apportioned registration" means a document issued by the department that describes the vehicle and lists the weight for each jurisdiction in which the vehicle is registered for operation and allows the vehicle to be operated.

"Vehicle schedule" means the department form used to report vehicle registration information.

This rule is intended to implement Iowa Code sections 326.2, 326.3, 326.15 and 326.33.

761—500.2(326) General information.

500.2(1) *Information and location.* Applications, forms and information on interstate registration and operation of vehicles are available on the department's website at www.iowadot.gov/mvd/motorcarriers/IRP/File-IRP; by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.237.3268; by facsimile at 515.236.3225; or by email at omcs@iowadot.us.

500.2(2) *Method of operation.* The operations of the department's motor vehicle division relating to reciprocity and apportioned registration are conducted in accordance with the IRP and Iowa Code chapters 321 and 326.

500.2(3) *Organizational data.* The motor vehicle division is authorized pursuant to Iowa Code chapter 326 to enter into reciprocity apportioned registration agreements with other jurisdictions. The department is a member of the IRP. The IRP, effective January 2024, is hereby incorporated into this chapter. Under this agreement, the motor vehicle division will do all of the following:

a. Compute and collect apportionable fees due to this state under apportioned registration agreements.

b. Issue registration plates, validation stickers, cab cards, temporary evidence of apportioned registration and trip permits to qualified registrants.

c. Enter into reciprocity agreements with other jurisdictions. These agreements exempt nonresidents from the registration and registration fee requirements of Iowa Code chapter 321.

This rule is intended to implement Iowa Code sections 326.5, 326.6 and 326.33.

761—500.3(17A,326) Waiver of rules. In accordance with 761—Chapter 11, the director of transportation or the director's designee (director) may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist. "Special or emergency circumstances" means one or more of the following:

500.3(1) Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.

500.3(2) Circumstances where the movement is necessary to cooperate with national defense officials.

500.3(3) Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.

500.3(4) Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as but not limited to pollution of natural resources, a potential fire or explosion.

500.3(5) Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.

500.3(6) Circumstances where movement involves emergency-type vehicles.

500.3(7) Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

This rule is intended to implement Iowa Code sections 17A.9A and 326.33.

761—500.4(326) Renewal for IRP registration. Renewal reminder notices are sent electronically or by mail at least 60 days prior to the registration expiration date to all registrants who maintained an active IRP fleet with Iowa during that year. The renewal is made available online at least 60 days prior to the registration expiration date and can be accessed on the department's website.

500.4(1) The renewal must include:

a. A completed and signed distance schedule and vehicle schedule(s). The schedules can be filed and signed either electronically or on paper.

b. Title documentation, if necessary.

c. One of the following:

(1) Receipted federal heavy vehicle use tax (Form 2290 Schedule 1) for vehicles with a taxable gross weight of 55,000 pounds or more.

(2) A copy of Form 2290 Schedule 1 and sufficient documentation of payment of the tax due at the time Form 2290 was filed. The documentation can include but is not limited to a photocopy of both sides of a canceled check, a bank statement indicating the amount of tax paid and electronic acknowledgment indicating a payment of tax and an Internal Revenue Service printout of the taxpayer's account showing the amount of tax paid.

500.4(2) Additional renewal procedures.

a. Vehicles may be deleted from the fleet at the time of renewal. Operating a vehicle with credentials marked as deleted will result in the registrant being responsible for any fees assessed, including any applicable penalty. Operating a vehicle with credentials that were self-certified as destroyed will result in suspension of the self-certification privilege.

b. Units being stored must be marked "stored" on the renewal vehicle schedule and the plates, cab cards and validation stickers must be returned in accordance with rule 761—500.5(321).

c. Vehicles may be added at the time of renewal. Upon payment of required fees, an applicant must apply for a temporary evidence of apportioned registration to be issued to operate a vehicle in accordance with the IRP. The department may extend the temporary evidence of apportioned registration if there are extenuating circumstances beyond the applicant's control.

d. When the registrant is seeking a refund in accordance with Iowa Code section 326.15 for vehicles deleted from a fleet, the annual and permanent registration plates and validation stickers must be returned to the motor vehicle division. No refund will be paid for a vehicle deleted at the time of renewal.

This rule is intended to implement Iowa Code sections 326.6, 326.11, 326.12, 326.14, 326.15 and 326.33.

761—500.5(321,326) Deadline for placing a vehicle in storage. The registrant of a currently registered vehicle may at any time request that a vehicle be put into storage. The registrant must complete a vehicle schedule and return it with the plate, cab card and validation sticker to the motor vehicle division. The vehicle schedule, plate, cab card and sticker must be received or postmarked on or before the registration expiration date to stop the registration fee from being assessed for the renewal year. The motor vehicle division will destroy the plate and return the cab card to the registrant

with the word "stored" stamped on it. Placing the vehicle in storage stops penalties on registration fees. When the vehicle is taken out of storage, the vehicle is assessed for the current annual registration fee.

This rule is intended to implement Iowa Code sections 321.126, 321.134 and 326.33.

761—500.6(326) Payment, delinquency and suspension.

500.6(1) Acceptable methods to make payment to the Iowa Department of Transportation include cash, check, credit card or any other means offered by the department. Payment is due 30 calendar days from the invoice date. However, renewal invoices are due 30 calendar days from the invoice date or by the last day of the registration expiration month, whichever is later.

500.6(2) Invoices not paid by the due date are assessed a late payment penalty as provided in Iowa Code sections 326.14 and 326.16. The same penalty amount will be assessed the first of each month thereafter until the total invoice and all penalties are paid in full.

500.6(3) A delinquency notice will be sent on invoices 30 calendar days overdue. The department will send a delinquency notice stating the IRP registration will be suspended unless payment is received within 30 calendar days from the date of the delinquency notice. If payment is not received in a timely manner, a notice of suspension will be sent to the registrant. When a registrant is under suspension, all of the registrant's Iowa-based IRP vehicles and the registrant's Iowa-based International Fuel Tax Agreement (IFTA) account, if applicable, are suspended.

This rule is intended to implement Iowa Code sections 326.10A, 326.14, 326.16 and 326.33.

761—500.7(326) Self-certification of IRP registration plate and validation sticker destruction.

500.7(1) In order to request a refund for unused registration fees, unless the registrant qualifies to self-certify destruction under this rule, plates and validation stickers must be returned to the department when a vehicle is deleted from the fleet. A registrant will meet all of the following requirements to qualify for department approval to self-certify destruction of IRP credentials:

a. A minimum of five years' experience with IRP registration.

b. A satisfactory IRP payment history. A satisfactory payment history includes but is not limited to no suspension of IRP registration in the last five years due to late payment or returned check because of insufficient funds.

c. A satisfactory rating from the U.S. Department of Transportation in the previous five years.

500.7(2) A motor carrier subject to a federal out-of-service order in the current year or any of the four prior years is not eligible to self-certify IRP credential destruction.

This rule is intended to implement Iowa Code sections 326.15 and 326.33.

761—500.8(326) IRP credentials. Upon payment of appropriate fees and submission of all required documentation, the motor vehicle division will issue one IRP plate for each power unit to be mounted on the front of the power unit, one trailer plate to be mounted on the rear of the trailer and one cab card for each power unit. The cab card may be in either a physical or electronic format.

This rule is intended to implement Iowa Code sections 326.14 and 326.33.

761—500.9(326) Nonrenewal vehicle additions. A registrant may add a vehicle to the fleet at any time after the commencement of the registration year. Upon payment of required fees, temporary evidence of apportioned registration may be issued to operate the vehicle(s). The temporary evidence of apportioned registration will not exceed 45 days. However, the department may extend the temporary evidence of apportioned registration if there are extenuating circumstances. Once temporary evidence of apportioned registration is issued and used, fees will be due and the invoice may only be canceled if an error was made by the department or there were extenuating circumstances for which nonuse can be proven.

This rule is intended to implement Iowa Code sections 326.11 and 326.33.

761—500.10(326) Nonrenewal vehicle deletions. A registrant may delete vehicles from the fleet at any time after the commencement of the registration year. The plates and validation stickers must be returned to the motor vehicle division at the time of deletion. In lieu of returning the plates and validation stickers, a qualified registrant may submit a self-certification of IRP credential destruction on or before the vehicle's or vehicles' deletion date to the motor vehicle division. Operating a vehicle with credentials that were self-certified as destroyed will result in suspension of the self-certification privilege, and the registrant is responsible for any additional fees that would have been due beyond the stated destruction date.

This rule is intended to implement Iowa Code sections 326.12, 326.15 and 326.33.

761—500.11(326) Voluntary cancellation of registration. A registrant may cancel a transaction for IRP registration if the registrant notifies the motor vehicle division within 48 hours of the invoice date. The notice shall state the reason for cancellation, the licensing status and ownership and be signed by the registrant or its representative. If notice is not received within 48 hours or if a temporary evidence of apportioned registration was issued in accordance with rule 761—500.9(326), all registration fees must be paid in full.

This rule is intended to implement Iowa Code sections 326.6, 326.11 and 326.33.

761—500.12(326) Registration credit.

500.12(1) If a vehicle is deleted from the IRP fleet and replaced with another vehicle, registration credit may be applied to IRP fees due on the replacement vehicle if the registrant does all of the following:

a. Submits the vehicle schedule identifying the added and deleted vehicles to the motor vehicle division.

b. Deletes the vehicle on or before the effective date of the replacement vehicle's registration.

500.12(2) Allowance for credit of deleted vehicles is subject to the conditions set forth in Iowa Code section 326.12.

This rule is intended to implement Iowa Code sections 326.12 and 326.33.

761—500.13(321,326) Penalty for late filing of vehicle registration.

500.13(1) As provided in Iowa Code sections 326.14 and 326.16, a late filing penalty of 5 percent is assessed to the vehicle if a vehicle registration is not filed within 30 days of one of the following:

a. The purchase of a new or used vehicle.

b. The date a vehicle is brought across state borders into Iowa to be registered.

c. A vehicle being first operated with the exemption allowed under Iowa Code section 321.20A.

500.13(2) An additional penalty will be assessed on the first of each month thereafter until the vehicle schedule is filed.

500.13(3) The department may collect intrastate registration fees and penalties when registering a delinquent vehicle to bring the vehicle fees current before allowing the IRP registration of the vehicle.

This rule is intended to implement Iowa Code sections 321.20A, 326.11, 326.14, 326.16 and 326.33.

761—500.14(326) Duplicate credentials. The fees for duplicate credentials are as follows:

500.14(1) A replacement cab card is $3.

500.14(2) A replacement plate, including the cab card, is $8.

500.14(3) If applicable, a mailing fee will also be assessed based on the number of plates or cab cards being issued.

This rule is intended to implement Iowa Code sections 326.22 and 326.33.

761—500.15(321,326) Making claim for refund. A refund of Iowa fees previously paid for the registration of vehicles may be made in accordance with Iowa Code sections 321.126, 321.127, 321.129 and 326.15. A claim for refund form may be obtained from the motor vehicle division. In lieu of returning the plates, a qualified registrant may submit a self-certification of IRP credential destruction on or before the vehicle's or vehicles' deletion date to the motor vehicle division.

This rule is intended to implement Iowa Code sections 321.126, 321.127, 321.129, 326.15 and 326.33.

761—500.16(326) Registration of vehicles with non-Iowa titles. Registrants applying for registration for non-Iowa titled vehicles shall submit to the motor vehicle division with the application or payment as specified in rule 761—500.6(326) one of the following:

500.16(1) A copy of the non-Iowa title or a copy of the title application if the title has not been issued.

500.16(2) If a jurisdiction does not issue titles, a copy of the bill of sale or a copy of the Canadian registration.

This rule is intended to implement Iowa Code sections 326.11 and 326.33.

761—500.17(326) Record retention.

500.17(1) *Record retention requirement and penalty.* Iowa IRP registrants shall preserve the records upon which their registration is based as required by the IRP for the current registration year and the three preceding registration years and, upon request, make such records available for audit. The department may assess a penalty upon registrants who have failed to maintain proper records.

500.17(2) *Adequacy of records.* Records maintained by a registrant are adequate only if the records enable the department to verify the distances reported in the registrant's application for apportioned registration and to evaluate the accuracy of the registrant's distance accounting system. The records may be produced through any means and retained in any format or medium available to the registrant and accessible by the department.

a. Records produced by a means other than a vehicle-tracking system will be considered adequate if the records include:

(1) The beginning and ending dates of the trip to which the records pertain.

(2) The origin and destination of the trip.

(3) The route of travel.

(4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the trip.

(5) The total distance of the trip.

(6) The distance traveled in each jurisdiction.

(7) The vehicle identification number or vehicle unit number.

b. Records produced by a vehicle-tracking system that utilizes latitudes and longitudes must be created and maintained at a minimum of every 15 minutes when the vehicle's engine is on and contain the following data elements:

(1) The vehicle identification number or vehicle unit number.

(2) The date and time of each system reading.

(3) The latitude and longitude to include a minimum of four decimal places (0.0001) of each system reading.

(4) The odometer reading from the ECM of each system reading. If no ECM odometer is available, a beginning and ending dashboard odometer or hubometer for the trip will be acceptable.

(5) The calculated distance between each system reading.

(6) The route of the vehicle's travel.

(7) The total distance traveled by the vehicle.

(8) The distance traveled in each jurisdiction.

500.17(3) *Summaries.* The following summaries shall be maintained:

a. A summary of the fleet's operations of each month, which includes both the full distance traveled by each apportioned vehicle in the fleet during the calendar month and the distance traveled in the month by each apportioned vehicle in each jurisdiction.

b. A summary of the fleet's operations for each calendar quarter, which includes both the full distance traveled by vehicles in the fleet during the calendar quarter and the distance traveled in each jurisdiction by the vehicles in the fleet during the calendar quarter.

This rule is intended to implement Iowa Code sections 326.19A and 326.33.

761—500.18(326) Trip permits. A registrant may meet the registration requirements of Iowa Code chapter 326 by operating under a trip permit. However, trips that are intrastate or exceed legal dimensions or weight and operate under permit as specified in Iowa Code chapter 321E are not allowed.

500.18(1) Trip permits may be obtained through the department's website or in person from the motor vehicle division upon payment of the appropriate permit fee.

500.18(2) Registrants purchasing trip permits in advance of use cannot return unused permits for a refund.

This rule is intended to implement Iowa Code sections 326.23, 326.33 and 326.46.

761—500.19(326) Electronic information. To the greatest extent possible, the motor vehicle division will maintain in electronic form all records required under this chapter. The retention period for electronic records must follow the guidelines of the IRP.

500.19(1) *IRP vehicle transaction.* The motor vehicle division will destroy paper copies of IRP vehicle transaction requests 90 days after the IRP invoice is generated.

500.19(2) *Federal heavy use tax (Form 2290 Schedule 1).* The motor vehicle division will maintain Form 2290 Schedule 1 in accordance with 23 CFR Section 669.9 effective April 1, 2024.

This rule is intended to implement Iowa Code section 326.33.

WORKFORCE DEVELOPMENT BOARD AND WORKFORCE DEVELOPMENT CENTER ADMINISTRATION DIVISION[877]

Regulatory Analysis

Notice of Intended Action to be published: 877—Chapter 1
"Workforce Development Board"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and chapter 84A as amended by 2023 Acts, Senate File 514

State or federal law(s) implemented by the rulemaking: Iowa Code sections 84A.1A and 84A.1B

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 9 a.m.	Microsoft Teams Meeting ID: 275 521 681 62 Passcode: aw3Kg9QX Or dial: +1 469.998.6043 Phone conference ID: 914 241 620#

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Workforce Development Department (Workforce Development) no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9245
Email: brooke.axiotis@iwd.iowa.gov

Purpose and Summary

The purpose of these proposed rules is to clarify the duties of the State Workforce Development Board. In addition, this chapter outlines the coordination of the Department of Corrections and Workforce Development for private sector employment projects.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Not applicable.

- **Classes of persons that will benefit from the proposed rulemaking:**

Workforce Development system stakeholders and the general public will benefit.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no quantitative impact.

- **Qualitative description of impact:**

Workforce Development system stakeholders and the general public are provided clarifying information for the work of the State Workforce Development Board.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

None.

- **Anticipated effect on state revenues:**

None.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 877—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
WORKFORCE DEVELOPMENT BOARD

877—1.1(84A) Records. Agendas, minutes, and materials presented to the board are available from Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5(5) or that are otherwise confidential by law. Board records contain information about persons who participate in meetings. This information is collected pursuant to Iowa Code sections 21.3 and 96.11(6). These records are not stored in an automated data processing system and may not be retrieved by a personal identifier.

877—1.2(84A) Coordination with the department of corrections on private sector employment projects. To assist the department of corrections with programs that employ offenders in the private sector, the department of workforce development shall be responsible for coordinating the following process:

1.2(1) Prior to an employer's submission of an application to the department of corrections for a private sector employment project, the employer shall place with the nearest workforce development center a job order with a duration of at least 30 days. The job order shall be listed statewide in all centers and on the department of workforce development's jobs Internet site.

1.2(2) The department of corrections shall send a letter requesting verification of the employer's 30-day job listing, the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the employer is located, and the current employment level of the company that will employ the offenders. The letter should be sent to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.2(3) The department of workforce development shall verify in writing the job listing, including the number of qualified applicant referrals and hires made as a result of the job order, the average entry-level wage rate for the proposed job(s), the entry-level wage range, the current unemployment rate for the county where the employer is located, and the current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available. The average wage rate and wage range will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

1.2(4) Average entry-level wage rates and entry-level wage ranges for jobs currently held by offenders and employment levels of companies employing offenders shall be updated by the department of workforce development annually upon the department of corrections' sending a letter listing all current companies employing offenders and the offenders' job classifications to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.2(5) The department of workforce development shall provide a periodic report to the state workforce development board regarding information supplied to the department of corrections for private sector employment projects. Frequency of the report will depend upon the level of activity.

1.2(6) Inquiries concerning private sector employment projects shall be in writing and address the following questions:

a. Whether and how the project is believed to violate the intent of Iowa Code section 904.809;

b. Evidence of a local surplus of labor in the job classifications of the type in which offenders are employed; and

c. Whether private sector employees or employees involved in a labor dispute have been displaced as a result of the project.

Inquiries shall be sent to the Executive Assistant of the State Workforce Development Board, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. A copy of the inquiry shall be sent to the department of corrections. The director of the department shall consult with the director of prison industries concerning the inquiry prior to the workforce development board's making a final recommendation regarding possible corrective action.

The state workforce development board shall review the inquiry and any additional responses or oral testimony requested by the board and make a recommendation as to whether the intent of Iowa Code section 904.809 has or has not been met and whether corrective action, if any, needs to be taken by the department of corrections to meet the intent. At the discretion of the board, oral presentations may be requested from the party(ies) to the inquiry. The board shall make a final recommendation within 60 days of receipt of the inquiry. The board's final recommendation shall be mailed to both the department of corrections and the party(ies) making the inquiry.

877—1.3(84A) Coordination with the department of corrections on construction and maintenance projects. To assist the department of corrections with the employment of offenders on construction and maintenance projects, the department of workforce development shall be responsible for coordinating the following process:

1.3(1) Prior to an employer's submitting an application to the department of corrections for employing offenders on a construction or maintenance project, the employer shall place with the nearest workforce development center a job order with a duration of at least 30 days. The job order shall be listed statewide in all centers and on the department of workforce development's jobs Internet site.

1.3(2) The department of corrections shall send a letter requesting verification of the employer's 30-day job listing, the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the employer is located, and the current employment level of the company that will employ the offenders. The letter should be sent to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.3(3) The department of workforce development shall verify in writing the job listing, including the number of qualified applicant referrals and hires made as a result of the job order, the average entry-level wage rate for the proposed job(s), the entry-level wage range, the prevailing wage as determined by the U.S. Department of Labor, the current unemployment rate for the county where the employer is located, and the current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available. The average entry-level wage rate and entry-level wage range will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

1.3(4) If the contract to employ offender labor exceeds six months, the department of corrections shall request and receive from the department of workforce development the average wage rates and wage ranges for jobs currently held by offenders and current employment levels of companies employing offenders. The letter should be addressed to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.3(5) Inquiries concerning construction and maintenance projects performed by offenders may be made by area workers, or their representatives, that are affected by a project. Inquiries shall be in writing and address the following questions:

a. Whether and how the project is believed to violate the intent of Iowa Code sections 904.701 and 904.703;

b. Evidence of a local surplus of labor in the job classifications of the type in which offenders are employed;

c. Whether private sector employees or state, county or local government employees or employees involved in a labor dispute have been displaced as a result of the project; and

d. Whether existing contracts for employment or services have been impaired.

Inquiries shall be sent to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. A copy of the inquiry shall be sent to the department of corrections. The director of the department shall consult with the director of the department of corrections and the affected regional advisory board concerning the inquiry prior to the workforce development board's making a final recommendation regarding possible corrective action.

The state workforce development board shall review the inquiry and any additional responses or oral testimony requested and make a recommendation as to whether the intent of Iowa Code sections 904.701 and 904.703 has or has not been met and whether corrective action, if any, needs to be taken by the department of corrections to meet the intent. At the discretion of the board, oral presentations may be requested from the party(ies) to the inquiry. The board shall make a final recommendation within 60 days of receipt of the inquiry. The board's final recommendation shall be mailed to both the department of corrections and the party(ies) making the inquiry.

These rules are intended to implement Iowa Code sections 84A.1A and 84A.1B.

WORKFORCE DEVELOPMENT BOARD AND WORKFORCE DEVELOPMENT CENTER ADMINISTRATION DIVISION[877]

Regulatory Analysis

Notice of Intended Action to be published: 877—Chapter 2
"Administration"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and chapter 84A as amended by 2023 Iowa Acts, Senate File 514

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202; Iowa Code section 84A.1 and chapter 96; and Executive Order 11

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 10 a.m.	Microsoft Teams Meeting ID: 213 058 158 260 Passcode: wD9Ln2NZ Or dial: +1 469.998.6043 Phone conference ID: 990 503 947#

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Workforce Development Department (Workforce Development) no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9245
Email: brooke.axiotis@iwd.iowa.gov

Purpose and Summary

The purpose of these rules is to clarify the mission and overall organization of Workforce Development.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Not applicable.

- **Classes of persons that will benefit from the proposed rulemaking:**

Workforce Development system stakeholders and the general public will benefit.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no quantitative impact.

- **Qualitative description of impact:**

None.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

None.

- **Anticipated effect on state revenues:**

None.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly or less intrusive methods exist for achieving the purpose of the proposed rulemaking.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 877—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
ADMINISTRATION

877—2.1(84A) Mission and overall organization.

2.1(1) *Mission.* We power Iowa's possibilities by connecting workers to opportunities and employers to workforce solutions.

2.1(2) *Vision.* To create, enable and sustain the most future ready workforce in the nation.

2.1(3) *Overall organization.* The chief executive officer of the department is the director of the department of workforce development who shall be appointed by the governor with the approval of two-thirds of the members of the senate and is responsible directly to the governor.

This rule is intended to implement Iowa Code chapters 84A and 84B.

ARC 9061C

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rulemaking related to resource enhancement and protection program: county, city, private open spaces and conservation education grant programs and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 33, "Resource Enhancement and Protection Program: County, City, Private Open Spaces and Conservation Education Grant Programs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 455A.19.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 455A and 2024 Iowa Acts, Senate File 2385.

Purpose and Summary

During the 90th General Assembly, 2024 Iowa Acts, Senate File 2385, was enacted. This legislation eliminated the Conservation Education Program Board. As of July 1, 2024, the Resource Enhancement and Protection's (REAP) conservation education funds are now administered by the Department of Natural Resources (Department) and the REAP Coordinator instead of by the Board. Due to this change, the Department is promulgating rules to award the conservation education program grant funds, which includes creating a review and selection committee.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024. A public hearing was held on the following date(s):

- January 8, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 571—Chapter 11.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on May 7, 2025. Comments should be directed to:

Michelle Wilson
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: michelle.wilson@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. Please contact the Department at michelle.wilson@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al michelle.wilson@dnr.iowa.gov.

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 23, 2025 1:30 to 3:30 p.m.	Suite 200 6200 Park Avenue Des Moines, Iowa
May 7, 2025 1:30 to 3:30 p.m.	Virtual Meeting (via Google Meet or Zoom) A meeting registration link will be provided prior to the hearing

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

The May 7, 2025, hearing will be a virtual meeting only. A link for the virtual meeting will be provided to those who make a request to take part in the virtual hearing. The request for the link shall be submitted to Ms. Wilson by 9 a.m. on May 7, 2025. Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs. Free Language Assistance: if you need assistance in a language other than English, contact the Department at michelle.wilson@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515.901.3294 at least seven days before the hearing.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend subrule 33.4(3) as follows:

33.4(3) Application deadlines are the same for county, city, and private open space grant programs. Conservation education program application deadlines are offered annually but not on the same schedule as the county, city, and private open space grant programs. Applications for all REAP grant programs will be reviewed and projects selected for funding at least once per year. The department shall publish on its website the date and time for submitting a funding proposal, providing at least 90 days' notice. Applications must be submitted to the department as described on the website.

ITEM 2. Amend rule 571—33.19(455A) as follows:

571—33.19(455A) Conservation education program policy.

33.19(1) *Grants and agreements.* The conservation education program ~~board~~ shall constitute a long-term integrated effort to support conservation education ~~for Iowa educators and students~~ through formal and nonformal education projects and programs by means of competitively awarded grants and

cooperative agreements. ~~To support this policy, the board may establish guidelines from time to time to direct applicants to priority areas for funding and shall give preference to grants that meet these guidelines. The board may provide funding for activities that expand the impact of the project and provide accessibility for widespread adoption of programs for implementation by others. The board may provide funding for tracking of project implementation and evaluation.~~

~~**33.19(1)** *Conservation education program board.* The board will review and amend, as needed, the review and selection criteria for competitive grants and policies of conduct.~~

33.19(2) *Definitions.* The following definitions shall apply to this division:

~~*"Board"* means REAP conservation education program board.~~

"Conservation education programs" means programs developed for formal (K-12 students), nonformal (preschool, adult and continuing education) and higher education (postsecondary and adult) programs, within the subject areas of natural resource conservation and environmental protection.

"Dissemination grant" means funds deployed for the purposes of executing projects previously funded by REAP conservation education program funds that were successful in execution and have transferability to other educators and conservation programs.

"Dissemination plan" means the required documentation for projects greater than $10,000 funded by the REAP conservation education program funds. A dissemination plan contains specific details of the project, including expected outcomes essential for the uptake and use by educators and conservation programs.

"Educator" means any person who teaches environmental/conservation education. This may apply to certified teachers, governmental or private naturalists, education specialists, or others so determined by the ~~board~~ department.

"Environmental/conservation education materials" means materials that are developed or produced that provide knowledge, skills, processes and strategies that enhance Iowa citizens' understanding of natural resources conservation and environmental issues.

"Stipends for Iowa educators who participate in innovative conservation education programs" may include tuition costs; acceptable food and lodging costs; substitute teacher costs; mileage expenses or separate allowances when applicable for educators to attend ~~board-approved~~ approved environmental/conservation education workshops, in-service programs and conferences; and other costs as approved by the ~~board~~ department.

ITEM 3. Amend rule 571—33.20(455A) as follows:

571—33.20(455A) Eligibility for funds. In years in which funds are made available, grant applications may be submitted by institutions of higher learning; government agencies, including local school districts; ~~nonpublic~~ private schools and home schools; area education agencies; day cares; and organizations~~; and individuals with an Iowa residence~~. Preference shall be given to Iowa ~~participants~~ residents.

33.20(1) *Fund distribution.* The total available funds will be distributed as follows:

a. The first $50,000 will be awarded to public/private pre-K through grade 12 education disseminated as small grant awards not to exceed $10,000 per request and no less than $1,000 per request.

b. The next $50,000 will be awarded to dissemination grants, if a dissemination project is provided by the department for the year.

c. The remaining $250,000 will be awarded for large grant awards not to exceed $80,000 per request. Large grant awards require a minimum of 33 percent matching funds either as an in-kind or a cash match.

d. If all funds are not allocated through paragraphs 33.20(1)*"a"* and *"b,"* the remaining funds will be allocated to qualifying projects in paragraph 33.20(1)*"c."*

33.20(2) *Expenditure guidelines.*

a. Eligible program types. Applicants can apply for funding that supports hands-on interactive types of educational experiences, such as workshops, trainings, field trips, or classroom activities, or

passive education experiences, such as interpretive or wayside signs, brochures or video programming, or education center exhibits.

b. Personnel expenses. Requests for personnel expenditures shall not exceed 40 percent of the total grant request and can only be used for staff directly engaged with the educational offering. Administrative support personnel are not eligible grant fund expenses. An awardee will provide documentation on actual hours worked in order to receive the 40 percent reimbursement costs for personnel. This does not include educator stipends or funding provided to individuals in order to attend a workshop, conference or training, all of which are allowable expenses under this grant program.

c. Travel expenses. Reimbursement is for in-state travel only; mileage, lodging, and food expenses will be reimbursed at the current state rate as found on the department of administrative services website.

d. Noneligible expenses. Grant funds cannot be used for technology or infrastructure development or construction whose singular function is not primarily and consistently dedicated to the program or exhibit for which grant funds are requested. Additionally, grant funds cannot be used for food and beverage costs or reimbursements.

ITEM 4. Rescind rule 571—33.21(455A) and adopt the following **new** rule in lieu thereof:

571—33.21(455A) Competitive grant project planning and review committee.

33.21(1) *Review committee.*

a. The director shall appoint a five-person review and selection committee to evaluate project applications. This committee shall include one representative of the department appointed by the director, one representative of the department of education science consultant or designee, one representative of the Iowa conservation education council, one representative of the Iowa association of naturalists, and one representative of the Iowa association of county conservation boards. Additionally, there shall be at least one alternate identified and designated by the director from each represented organization. Terms of appointment to the committee shall be on a three-year staggered term basis.

b. An individual who is a member, volunteer, or employee of an entity that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

33.21(2) *Competitive grant project selection criteria.*

a. Under the competitive grant program, a project planning and review committee shall establish criteria and scoring systems to be utilized in project evaluation. The criteria and scoring systems shall be submitted to the natural resource commission for approval.

b. The department shall publish on its website the date and time for submitting a funding proposal and the criteria and scoring system, providing at least 90 days' notice. Applications must be submitted to the department as described on the website.

c. Upon recommendation of the planning and review committee, the natural resource commission shall award the grants.

33.21(3) *Dissemination plan.*

a. After completion of the project awarded through the large grants, and prior to final request for reimbursement, the awardee shall complete a dissemination plan as provided on the department's website. Projects funded with conservation education program funds are intended to be replicable by other educators or conservation programs in Iowa.

b. Annually, the review and selection committee will review dissemination plans; select successful projects per criteria developed and approved by the natural resource commission; and offer additional award opportunities, not to exceed $10,000 per awardee, of up to $50,000 of conservation education program funds for other educators or conservation education programs to implement.

33.21(4) *Nonapplication of copyright.* Program materials developed from REAP funds for conservation education materials shall bear the REAP logo. However, materials developed under this grant shall not be copyrighted by the grantee unless the department gives permission. A digital copy of all program materials developed shall be supplied to the department as part of the dissemination plan.

ITEM 5. Rescind and reserve rule **571—33.22(455A)**.

ITEM 6. Rescind and reserve rule **571—33.23(455A)**.

ITEM 7. Rescind and reserve rule **571—33.24(455A)**.

ITEM 8. Rescind and reserve rule **571—33.25(455A)**.

ITEM 9. Rescind and reserve rule **571—33.26(455A)**.

ITEM 10. Rescind and reserve rule **571—33.27(455A)**.

ITEM 11. Rescind and reserve rule **571—33.28(455A)**.

ITEM 12. Rescind and reserve rule **571—33.29(455A)**.

ITEM 13. Rescind and reserve rule **571—33.30(455A)**.

ARC 9048C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to swimming pools, spas, and spray pads and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 15, "Swimming Pools and Spas," and to adopt a new Chapter 15, "Swimming Pools, Spas, and Spray Pads," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 135I.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 135I.

Purpose and Summary

This proposed rulemaking repromulgates Chapter 15 and implements Iowa Code chapter 135I in accordance with the goals and directives of Executive Order 10. Iowa Code section 135I.4 provides that the Department may inspect, at the time of installation and periodically thereafter, all spray pads, swimming pools, and spas for the purpose of detecting and eliminating health or safety hazards; establish minimum safety and sanitation criteria for the operation and use of spray pads, swimming pools, and spas; and establish minimum qualifications for swimming pool, spa, and waterslide operators and lifeguards. Additionally, the Department may adopt rules in accordance with Iowa Code chapter 17A for the implementation and enforcement of Iowa Code chapter 135I and the establishment of fees.

This proposed rulemaking provides minimum safety standards for the operation and construction of spray pads, swimming pools, and spas throughout the state, as well as registration of the same (as required by Iowa Code section 135I.3). Currently, 1,222 facilities—encompassing 1,806 spray pads, swimming pools, and spas—are registered with the Department through April 30, 2025. The Department has 57 Iowa Code chapter 28E agreements with local public health departments to implement and enforce these rules. Through these rules and its 28E agreements, the Department is able to enforce important safety requirements at over 1,800 unique spray pads, swimming pools, and spas, greatly improving the safety of numerous Iowans who attend and use these facilities.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024. A public hearing was held on the following date(s):

- November 19, 2024

Eric Johansen, city council member for the city of Grimes (Grimes), attended the public hearing and provided comments regarding the prohibition on tripping hazards on swimming pool and spray pad decks and relating to Grimes' spray pad. The Department has had multiple communications with Grimes regarding the proposed rules, including additional written comments from Grimes on January 13, 2025, and on or around February 7, 2025. Grimes' written comments included proposed definitions for "tripping hazard" based on the size of the obstruction/feature, as well as various other comments and proposed rule terms related to spray pad decks/surfaces, tripping hazards, and obstructions.

No changes were made to the proposed rules in response to Grimes' comments. The Department determined that Grimes' proposed definition of "tripping hazard" (or any definition based solely on the size of the obstruction/feature) would not adequately and safely encompass all tripping hazards. In the Department's opinion, size alone does not make an obstruction/feature per se a tripping hazard or not a tripping hazard and many other contextual factors impact whether a tripping hazard exists, including visibility or contrast of the obstruction/feature compared to its surroundings and the intended or expected activity surrounding the obstruction/feature. Incorporating changes regarding Grimes' other comments into the rules would increase the length of the rules and arguably make them more restrictive/burdensome, inconsistent with Executive Order 10. Additionally, many of Grimes' other comments did not appear to be for incorporation into the proposed rules, but rather appeared to be alternative conditions the Department may impose as part of a waiver or variance in the event a facility does have a prohibited tripping hazard.

Some nonsubstantive revisions have been made since publication of the Regulatory Analysis. These include correcting cross-references to other administrative rules, adding edition numbers or other identifying information to referenced publications pursuant to Iowa Code section 17A.6(5), clarifying rules where there may have been confusion regarding the applicability of the rules due to the removal of "spray pads" from the definition of "swimming pools" in the proposed rulemaking, and clarifying square footage thresholds in Table 7.

Additional clarifying and grammatical changes have been made since publication of the Regulatory Analysis.

Fiscal Impact

This rulemaking has no fiscal impact in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on April 30, 2025. Comments should be directed to:

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 29, 2025 10 to 10:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa
April 30, 2025 2:30 to 3 p.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa

Virtual participation information will be made available on the Department's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 641—Chapter 15 and adopt the following **new** chapter in lieu thereof:

CHAPTER 15
SWIMMING POOLS, SPAS, AND SPRAY PADS

641—15.1(135I) Applicability.

15.1(1) These rules apply to spray pads, swimming pools, and spas as provided by Iowa Code section 135I.2. Spray pads, swimming pools, and spas must also comply with other applicable federal, state or local laws, rules, or ordinances.

15.1(2) A homeowners' association or housing cooperative shall notify the department in writing if its bylaws are amended as provided in Iowa Code section 135I.2. The inspector designated by the association or cooperative shall be a certified operator as defined in 15.3(1). A report of the inspection shall be filed with the association or cooperative secretary and be available to the department or any association or cooperative member on request.

641—15.2 Reserved.

641—15.3(135I) Definitions.

15.3(1) *Definitions.* The definitions set forth in Iowa Code section 135I.1 are incorporated herein by reference. Additionally:

"Air break" is a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into a receptacle at a point below the flood-level rim of the receptacle.

"Air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from an inlet pipe and the flood-level rim of a receptacle.

"Board of health" means a county, city, or district board of health.

"Body feed" means the continuous addition of controlled amounts of filtering aid during the operation of a diatomaceous earth filter to maintain a permeable filter cake.

"Certified operator" means a person who has:

1. Successfully completed the Certified Pool/Spa Operator® course sanctioned by PHTA, the Aquatic Facility Operator course sanctioned by NRPA, the Professional Pool & Spa Operator course sanctioned by the PHTA, or the Licensed Aquatic Facility Technician course sanctioned by the American Swimming Pool and Spa Association; and
2. Been recertified as required by the sanctioning organization; and
3. Obtained the continuing education required by 15.11(2).

"Combined chlorine" means nitrogen-chlorine compounds formed by the reaction of a chlorine disinfectant chemical with ammonia and organic nitrogen compounds as measured with a DPD test kit.

"Construction" means the installation of a new swimming pool facility or modifications to an existing facility that change the total recirculated water volume or the total water surface area by 20 percent or more.

"Deck" means a walkway immediately adjacent to a swimming pool.

"Decorative fountain" means a basin with water sprays or jets that does not serve primarily as a wading or swimming pool and whose drain is not directly connected to any type of suction device for removing or recirculating the water.

"Deep water" means water that is more than 5 ft deep.

"Engineering plans" means plans and specifications certified in accordance with the rules of the examining board by an engineer or architect licensed to practice in the state of Iowa.

"Equalizer" means an arrangement including a pipe from an opening below the water level in a swimming pool or spa to the body of a skimmer and a normally closed valve at the skimmer body.

"Facility" means a building, fenced enclosure, or lot where there is at least one spray pad, swimming pool, or spa subject to regulation under Iowa Code chapter 135I and these rules.

"Field fabricated," when applied to a sump or a cover/grate for a fully submerged outlet, means constructed on site with conventional building materials or of a size and shape different from readily available commercial sumps or cover/grates.

"Fill and drain wading pool" means a wading pool having no recirculation system.

"Filter" means a mechanical device for removing suspended particles from the swimming pool water and refers to the complete mechanism including all component parts.

"Flow rating," when applied to the cover/grate for a fully submerged outlet, means the maximum flow rate in gpm through the cover/grate that will not cause body or hair entrapment as determined by the test methods in the ASME/ANSI standard.

"Fountain" means a water fountain that is not established primarily for swimming or wading, but where swimming or wading is allowed, and that has a drain which is connected to a mechanical suction device for removing or recirculating the water.

"Free chlorine" means the concentration of hypochlorous acid and hypochlorite ion in the swimming pool water as measured with a DPD test kit or as measured by another method approved by the department.

"Fully submerged outlet" means an outlet that is completely under water when the water is at the normal operating level.

"Gravity outlet" means an outlet that directly connects to a tank or other structure that is at atmospheric pressure.

"Hose bib" means a water outlet that is threaded to permit the attachment of a hose.

"Hydrostatic relief valve" means a relief valve installed in the bottom of the swimming pool and designed to operate automatically when the swimming pool is empty, relieving the groundwater pressure around the structure by allowing the groundwater into the swimming pool tank.

"Inlet" means a fitting or opening through which recirculation water enters the swimming pool or spa.

"Inspection agency" means the department or a city, county or district board of health that has executed with the department pursuant to the authority of Iowa Code chapters 28E and 135I an agreement to inspect swimming pool/spa facilities and enforce these rules. Within its geographic area, the city, county or district board of health is the "local inspection agency."

"Leisure river" means a closed-path channel with a river-like flow of water. A leisure river may include water features and play devices.

"Lifeguard" means an individual who holds current lifeguard certification by one of the following organizations and current certification in first aid and infant, child and adult CPR, including compressions, rescue breathing, and two-person CPR:

1. American Red Cross.
2. YMCA.
3. Boy Scouts of America.
4. Ellis & Associates.
5. Starfish Aquatics Institute.
6. National Aquatic Safety Company (NASCO).

"Main drain" means the outlet(s) at the deepest part of a swimming pool or spa.

"Multisection water recreation pool" means a swimming pool with three or more distinct use areas.

"Outlet" means an opening through which water leaves the swimming pool or spa.

"Outlet system" means an arrangement of components associated with one or more connected fully submerged outlets including the cover/grate(s), the sump(s), the piping, and the pump(s) if one or more pumps are directly connected to the outlet(s).

"Perimeter overflow gutter" means a weir and trough around the perimeter of a swimming pool that is used to skim the surface of the water and return the water to the treatment system.

"Plunge pool" means a pool designed to serve as a landing area for a water slide.

"Recirculation system" means the pump(s), piping, inlets, outlets, filtration system, chemical feed systems and accessories provided to convey and treat the spray pad, swimming pool, or spa water to meet the water quality standards in these rules.

"Reconstruction" means the replacement or modification of a spray pad, swimming pool, or spa shell or deck, a spray pad, swimming pool, or spa recirculation system, a perimeter overflow gutter or skimmer, or a bathhouse associated with a public spray pad, swimming pool, or spa. "Reconstruction" does not include the replacement of equipment or piping previously approved by the department, provided that the type and size of the equipment are not revised, nor does it include normal maintenance or repair.

"Residential swimming pool" means any swimming pool that is used, or intended to be used, in connection with a single-family residence and that is available only to the family of the householder and the householder's private guests. A residential swimming pool used for private swimming lessons for over 207 hours in a calendar month, or the number of hours prescribed by local ordinance applicable to such use of a residential swimming pool, whichever is greater, is considered a public swimming pool and is subject to all the requirements of this chapter. A residential swimming pool used for any other commercial purposes for more than 60 hours in a calendar month is considered a public swimming pool and is subject to all the requirements of this chapter.

"Shallow water" means those areas of a swimming pool where the water is 5 ft deep or less.

"Skimmer" means a manufactured device designed to be directly connected to the recirculation pump suction and used to skim the swimming pool over a self-adjusting weir.

"Spa" means a structure, chamber, or tank, with a bench and a means of agitation, that is designed for recreational or therapeutic use and is not drained, cleaned, and refilled after each individual use. A swimming pool with a bench equipped with agitation is not considered a spa provided that the water temperature is maintained at 90°F or less.

"Speed slide" means a water slide that is designed to enter users into a plunge pool or other deceleration arrangement at a speed of 30 ft per second or more.

"Suction outlet" means an outlet that is directly connected to the inlet side of a circulation pump.

"Superchlorination" means the addition of a chlorine disinfectant compound to a spray pad, swimming pool, or spa to a concentration at least 10 ppm chlorine concentration.

"Swimming pool slide" means any device used to enter a swimming pool by sliding down an inclined plane or through a tube similar to a playground slide that has a slide path of 20 ft or less in

length and a water flow down the slide of 20 gpm or less. A slide exceeding either of these criteria is a water slide.

"Total bromine" means the concentration of hypobromous acid, hypobromite ion and nitrogen-bromine compounds in the swimming pool water as measured with a DPD test kit.

"Tri-chlor" means trichloro-s-triazinetrione. Tri-chlor is a form of chlorine that includes cyanuric acid in its formulation.

"Unblockable," when applied to a cover/grate for a fully submerged outlet, means a size and shape that cannot be fully covered by an 18-inch by 23-inch mat with 4-inch-diameter rounded corners and the differential pressure generated by the flow through the uncovered open area is not enough to cause body entrapment.

"Wading pool" means a swimming pool that is no more than 24 inches deep at any point.

"Water slide" means a recreational ride that is a sloped trough-like or tubular structure using water as a lubricant and as a method of regulating rider velocity and that terminates in a plunge pool, swimming pool, or in a specially designed deceleration structure.

"Wave pool" means a swimming pool of special shape and design that is provided with wave-generating equipment.

"Zero-depth pool" means a swimming pool in which the pool floor intersects the water surface along at least one side of the pool.

15.3(2) *Abbreviations.*

"AFO" means aquatic facility operator.

"AGA" means American Gas Association.

"ANSI" means American National Standards Institute.

"ASME" means American Society of Mechanical Engineers.

"ASME/ANSI standard" means ASME/ANSI A112.19.8a-2008, "Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs."

"ASTM" means ASTM International (formerly American Society of Testing and Materials).

"AWWA" means American Water Works Association.

"BTU" means British thermal unit.

"CO_2" means carbon dioxide.

"CPO®" means certified swimming pool/spa operator.

"CPR" means cardiopulmonary resuscitation.

"DPD" means diethyl-p-phenylene diamine.

"feet" means feet of water (feet × 0.43 = psi) when used in discussing pump requirements.

"ft" means foot or feet (distance).

"ft^2" means square foot or square feet.

"gal" means gallon(s).

"GFCI" means ground fault circuit interrupter.

"gpm" means gal per minute.

"in Hg" means inches of mercury (in Hg × 0.49 = psi).

"in^2" means square inch(es).

"LAFT" means licensed aquatic facility technician.

"mg/L" means milligram(s) per liter.

"mV" means millivolts.

"NRPA" means National Recreation and Park Association.

"NSF" means NSF International (formerly National Sanitation Foundation).

"ORP" means oxidation-reduction potential.

"PHTA" means the Pool & Hot Tub Alliance.

"ppm" means parts per million; mg/L and ppm are equivalent terms.

"PPSO" means professional pool and spa operator.

"psi" means pounds per square inch.

"SDS" means safety data sheets.

"sec" means second (time).

"Standard 50" means NSF/ANSI Standard 50-2016a (2017), "Circulation System Components for Swimming Pools, Spas, or Hot Tubs."

"TDH" means total dynamic head.

"UL" means Underwriters Laboratories.

SWIMMING POOLS

641—15.4(135I) Swimming pool operations. Swimming pools shall be operated in a safe, sanitary manner and shall meet the following operational standards.

15.4(1) *Filtration and recirculation.*

a. Filtration. A swimming pool shall have a filtration system in good working condition that provides water clarity in compliance with the water quality standards of 15.4(2).

b. Recirculation. The recirculation system of a swimming pool shall meet the following requirements:

(1) During the operating season, pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the swimming pool water recirculation system shall be operated continuously except for backwashing or servicing.

(2) The recirculation system has an operating pressure gauge located in front of the filter if it is a pressure filter system. A vacuum filter system has a vacuum gauge located between the filter and the pump.

(3) The recirculation system has inlets adequate in design, number, location, and spacing to ensure effective distribution of treated water and maintenance of uniform disinfectant residual throughout the swimming pool.

(4) Swimming pools have a means for skimming the pool water surface.

1. Each skimmer has an easily removable basket or screen upstream from any valve. Self-adjusting weirs shall be in place to provide skimming action.

2. Gutter or skimmer drainage is sufficient to minimize flooding and prevent backflow of skimmed water into the swimming pool.

c. Wastewater. Backwash water from a swimming pool shall be discharged through an air break or an air gap.

d. Water supply. The water supplied to a swimming pool shall be from a water supply meeting the requirements of the department of natural resources for drinking water and meet the following criteria:

(1) Water supplied to a swimming pool is discharged to the pool system through an air gap or a reduced-pressure principle backflow device meeting AWWA C-511-97, "Reduced-Pressure Principle Backflow-Prevention Assembly."

(2) Each hose bib at a facility is equipped with an atmospheric vacuum breaker or a hose connection backflow preventer.

e. Water heaters. Swimming pool water heaters shall meet the following criteria:

(1) Electric water heaters bear the seal of UL.

(2) Gas-fired water heaters are equipped with a pressure relief valve.

(3) Fuel-burning water heaters are vented to the outside in accordance with the state plumbing code.

(4) Each indoor swimming pool equipment room with fuel-burning water heating equipment has one or more openings to the outside of the room for the provision of combustion air.

15.4(2) *Water quality and testing.*

a. Disinfection.

(1) Swimming pool water shall have a free chlorine residual of at least 1.0 ppm and no greater than 8.0 ppm, or a total bromine residual of at least 2.0 ppm and no greater than 18 ppm when the swimming pool is open for use.

(2) The swimming pool shall be closed if the free chlorine is measured to be less than 0.6 ppm or the total bromine is measured to be less than 1.0 ppm or if a free chlorine measurement exceeds 8.0 ppm or if the total bromine measurement exceeds 18 ppm.

(3) The swimming pool water shall have an ORP of at least 700 mV, but no greater than 880 mV, and be closed if the ORP is less than 650 mV or greater than 880 mV.

(4) The swimming pool shall be closed if the cyanuric acid concentration in the swimming pool water exceeds 80 ppm. The swimming pool may be reopened when the cyanuric acid concentration is 40 ppm or less.

(5) No cyanuric acid in any form shall be added to an indoor swimming pool.

b. pH level. The pH of swimming pool water shall be 7.2 to 7.8. An inspection agency may require that a swimming pool be closed if the pH is less than 6.8 or greater than 8.2.

c. Water clarity. A swimming pool shall be closed if the swimming pool is less than 8 ft deep and the grate openings on the main drain are not clearly visible from the deck or the swimming pool is 8 ft deep or deeper and the main drain is not clearly visible from the deck.

d. Bacteria detection.

(1) If coliform bacteria are detected in a sample taken in accordance with 15.4(2)*"e"*(5), the swimming pool shall be superchlorinated and a check sample taken when the disinfectant residual is within the requirements of 15.4(2)*"a."* If coliform bacteria are detected in the check sample, the swimming pool shall be closed. The swimming pool may reopen when no coliform bacteria are detected in a swimming pool water sample taken when the pool water meets the requirements of 15.4(2)*"a," "b"* and *"c."*

(2) The facility management shall notify the local inspection agency of the positive bacteriological result within one business day after the facility management has become aware of the result.

e. Test frequency. The results of the tests required below shall be recorded in the swimming pool records.

(1) The disinfectant residual in the swimming pool water shall be tested or the ORP of the swimming pool water checked each day within one-half hour of the swimming pool opening time and at intervals not to exceed four hours thereafter until the swimming pool closing time. For swimming pools at condominiums, apartments, housing cooperatives, or homeowners associations with 25 or fewer living units, testing must be performed at least once each day that the swimming pool is available for use.

The operator may make visual readings of ORP on site from an automatic controller in lieu of manual testing, but the swimming pool water shall be tested manually for disinfectant residual at least twice per day. Both ORP and disinfectant residual shall be recorded when manual testing is done. The operator shall specify in the swimming pool records which results are from the manual tests.

(2) The pH of the swimming pool water shall be tested each day within one-half hour of the swimming pool opening time and at intervals not to exceed four hours thereafter until the swimming pool closing time. For swimming pools at condominiums, apartments, housing cooperatives, or homeowners associations with 25 or fewer living units, testing for pH must be performed at least once each day that the swimming pool is available for use.

The operator may make visual readings of pH on site from an automatic controller in lieu of manual testing, but the swimming pool water shall be tested manually for pH at least twice per day. The operator shall specify in the swimming pool records which results are from the manual tests.

(3) If a chlorine chemical is used for disinfection, the swimming pool water shall be tested for combined chlorine at least once in each week that the swimming pool is open for use.

(4) If cyanuric acid or a stabilized chlorine is used at a swimming pool, the swimming pool water shall be tested for cyanuric acid at least once in each week that the swimming pool is open for use.

(5) At least once in each month that a swimming pool is open for use, the facility management shall have a sample of the swimming pool water analyzed for total coliform by submitting the sample to a laboratory certified by the department of natural resources for the determination of coliform bacteria in drinking water.

f. Test equipment. Each facility shall have functional water testing equipment for free chlorine and combined chlorine, or total bromine; pH; total alkalinity; calcium hardness; and cyanuric acid (if cyanuric acid or a stabilized chlorine is used at the facility) that meets the following criteria:

(1) The test equipment provides for the direct measurement of free chlorine and combined chlorine from 0 to 10 ppm in increments of 0.2 ppm or less over the full range, or total bromine from 0 to 20 ppm in increments of 0.5 ppm or less over the full range.

(2) The test equipment provides for the measurement of swimming pool water pH from 7.0 to 8.0 with at least five increments in that range.

(3) A controller used in lieu of manual disinfectant residual testing has a numerical analog or digital display with an ORP scale with a range of at least 600 to 900 mV with increments of 20 mV or less.

(4) A controller used in lieu of manual pH testing has a numerical analog or digital display with a pH range at least equal to the range required in 15.4(2)*"f"*(2) with increments of 0.2 or less over the full range.

g. Operator availability. A person knowledgeable in testing water and in operating the water treatment equipment shall be available whenever a swimming pool is open for use.

15.4(3) *Chemical feed equipment and cleaning.*

a. Chemical feed equipment.

(1) Equipment for continuous feed of chlorine, a chlorine compound or a bromine compound to the swimming pool water shall be provided and be operational. The equipment shall be adjustable in at least five increments over its feed capacity and, where applicable, the chemical feeder listed by NSF or another listing agency for compliance with Standard 50.

(2) Equipment for the continuous feed of a chemical for pH adjustment of the swimming pool water shall be provided and be operational for each swimming pool and, where applicable, the chemical feeder listed by NSF or another listing agency for compliance with Standard 50.

b. Cleaning.

(1) The inspection agency may require that a swimming pool be drained and scrubbed with a disinfecting agent prior to further usage.

(2) A vacuum system shall be provided to remove dirt from the bottom of the swimming pool.

15.4(4) *Safety.*

a. Chemical safety. Swimming pool chemical safety shall meet the following criteria:

(1) When chemical additions are made from the deck, the swimming pool is closed from use for at least one-half hour. The operator tests the swimming pool water as appropriate before allowing use of the swimming pool. The chemical addition and the test results are recorded in the swimming pool records.

(2) Swimming pool treatment chemicals shall be stored and handled in accordance with the manufacturer's recommendations.

(3) SDS for the chemicals used at the pool are at the facility in a location known and readily accessible to the facility staff.

(4) Chemical storage containers are clearly labeled.

(5) A chemical hazard warning sign is placed at the entrance of a room where chemicals are used or stored or where bulk containers are located.

b. Stairs, ladders, recessed steps, and ramps. Swimming pool stairs, ladders, recessed steps, and ramps shall meet the following criteria:

(1) Ladders or recessed steps are provided in the deep portion of a swimming pool. Stairs, ladders, recessed steps, or ramps are provided in the shallow portion if the vertical distance from the bottom of the swimming pool to the deck is more than 2 ft.

(2) Ladders, ladder rungs and ramps are securely anchored.

(3) The distance between the swimming pool wall to the vertical rail of a ladder is no greater than 6 inches and no less than 3 inches. The lower end of each ladder rail is securely covered with a smooth nonmetallic cap and within 1 inch of the swimming pool wall.

(4) Stairs, ladder rungs, ramps and recessed steps are slip-resistant.

(5) If a swimming pool is over 30 ft wide, recessed steps, ladders, ramps, or stairs are installed on each side. If a stairway centered on the shallow end wall of the swimming pool is within 30 ft of each side of the swimming pool, that end of the swimming pool is considered in compliance with this subparagraph.

(6) Each set of recessed steps are equipped with a securely anchored grab rail on each side of the recessed steps.

(7) Each set of stairs and each ramp are equipped with a securely anchored handrail(s).

(8) When stairs are provided for entry into a swimming pool, a slip-resistant stripe at least 1 inch wide of a color contrasting with the step surface and with the swimming pool floor is marked at the top front edge of each tread.

c. Diving areas. Swimming pool diving areas shall meet the following criteria:

(1) No diving is permitted in areas where the water is 5 ft deep or less except for purposes of competition or training. The diving is supervised by a lifeguard, swim instructor or swim coach.

(2) Starting blocks are only used for competition or training purposes under the supervision of a lifeguard, swim instructor, or swim coach. Starting blocks and starting block installation meet the requirements of the competition governing body (National Collegiate Athletic Association, USA Swimming, or National Federation of State High School Associations). When the swimming pool is open for general use, the starting blocks are secured from use by removal, covering, or signage and active supervision.

(3) Diving boards are permitted only if the diving area dimensions conform to the minimum requirements indicated below in Figure 1 and Tables 1 and 2.

(4) There is a completely unobstructed clear distance of 13 ft above the diving board, measured from the center of the front end of the board, and extending at least 8 ft behind, 8 ft to each side, and 16 ft ahead of the measuring point.

(5) Diving boards and platforms over 3 meters in height are prohibited, except where used only for competition or training purposes under the supervision of a diving coach and diving area dimensions conform to minimum requirements of World Aquatics (FINA).

(6) Diving boards and platforms have a slip-resistant surface.

(7) Where the top of a diving board or platform is more than 18 inches above the deck, stairs or a ladder are provided for access to the diving board or platform.

(8) Handrails are provided at all steps and ladders leading to diving boards that are more than 32 inches above the deck.

(9) A platform or diving board that is 32 inches or more above the swimming pool deck has a guardrail on both sides. The guardrails are at least 36 inches high and extend to the edge of the deck.

(10) Supports, platforms, and steps for diving boards are of substantial construction and of sufficient structural strength to safely carry the maximum anticipated load.

NOTE: The information contained in Figure 1 and Tables 1 and 2 is for swimming pools constructed prior to March 14, 1990. Swimming pools constructed after March 14, 1990, shall comply with 15.5(13) *"a."*

When determining distances set out in Tables 1 and 2, measurements shall be taken from the top center of the front edge of the diving board. The reference water level shall be the midpoint of the skimmer opening for a skimmer pool or a stainless steel gutter system with surge weirs. The reference water level for a gutter pool shall be the top of the gutter weir.

Figure 1

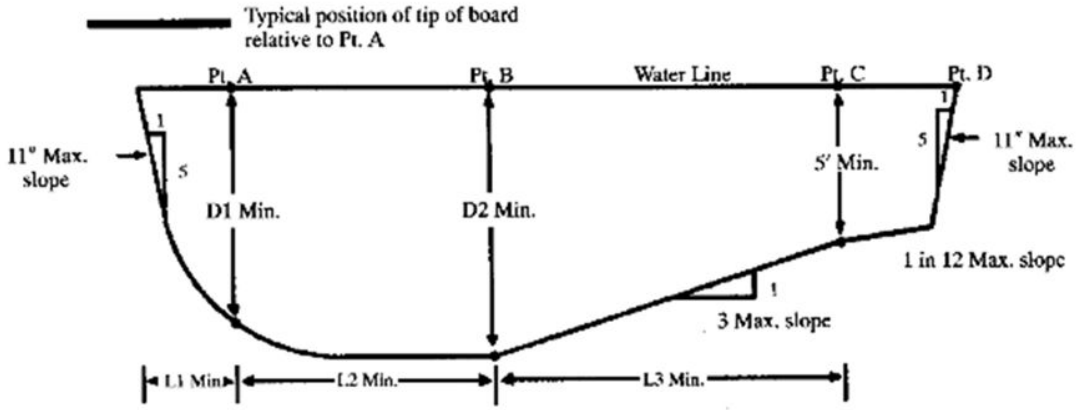


Table 1

		Minimum Dimensions				
Diving Board Height Above Water	Maximum Diving Board Length	D1	D2	L1	L2	L3
Deck level to 2/3 meter	10 ft	7 ft	8.5 ft	2.5 ft	8 ft	10.5 ft
Greater than 2/3 meter to 3/4 meter	12 ft	7.5 ft	9 ft	3 ft	9 ft	12 ft
Greater than 3/4 meter to 1 meter	16 ft	8.5 ft	10 ft	4 ft	10 ft	15 ft
Greater than 1 meter to 3 meters	16 ft	11 ft	12 ft	6 ft	10.5 ft	21 ft

Table 2

	Minimum Distance		
Diving Board Height Above Water	To Pool Side	To 1-Meter Diving Board	To 3-Meter Diving Board
Deck level to 1 meter	9 ft	8 ft	10 ft
Greater than 1 meter	11 ft	10 ft	10 ft

d. Lifeguards.

(1) Except for wading pools and spray pads, lifeguards are required at municipal and school swimming pools of any size and other swimming pools having a water surface area of 1,500 ft^2 or larger. Swimming pools operated by apartments, condominiums, country clubs, neighborhoods, manufactured home communities, or mobile home parks are exempt from lifeguard requirements.

(2) For open recreation swimming, there shall be at least one lifeguard guarding the pool at all times for up to 30 swimmers in the water; at least two lifeguards on duty for over 30 swimmers in the water and up to 125 swimmers in the water; and an additional lifeguard for each additional 125 swimmers in the water or fraction thereof.

NOTE: This is the minimum lifeguard coverage. It is the responsibility of the management of each facility to evaluate the facility configuration, the features of the facility, the patrons, and the type of use and to determine the facility-specific requirements for supervision by lifeguards.

(3) For a structured swimming program, such as lap swim, competitive swimming, water exercise classes, swim lessons and physical education classes, a lifeguard is not required provided the program is supervised by an instructor, teacher, or coach who is a lifeguard or who has current certification from the American Red Cross in basic water rescue, first aid, and infant, child and adult CPR, or equivalent training approved by the department. An instructor, teacher or coach may be responsible for a maximum of 30 persons within a structured activity. If more than 30 persons are involved in a structured activity, a second qualified supervisor must be present.

(4) Each water slide shall have a one slide attendant trained in the operation of the slide stationed at the top of the slide and one lifeguard at the bottom of the slide.

If two or three water slides start at the same platform and the distance between the centerlines of any two start structures is 10 ft or less, one attendant may supervise the top of the slides. If two or three water slides terminate within the same landing area, one lifeguard may supervise the landing area.

e. Lifeguard chairs. For outdoor swimming pools where lifeguards are required by rule, elevated lifeguard chairs shall be provided as follows: at least one chair for a swimming pool with a water surface area of 2,000 to 4,000 ft^2 inclusive; at least two chairs if the area is 4,001 to 6,000 ft^2; and at least three chairs if the area is 6,001 ft^2 or more. Swimming pools are not required to have more than three lifeguard chairs. This requirement does not apply to wave pools, leisure rivers, spray pads, or wading pools.

f. Emergency equipment and facilities. Emergency equipment and facilities at swimming pools shall meet the following criteria:

(1) Except for wading pools, a minimum of 1 unit of lifesaving equipment is provided for each 1,500 ft^2 of water surface area or fraction thereof. The area of a swimming pool where the water is 2 ft deep or less may be subtracted from the total area for this requirement. A swimming pool is not required to have more than 10 units of lifesaving equipment.

(2) A unit of lifesaving equipment consists of one of the following:

1. A U.S. Coast Guard-recognized ring buoy fitted with a ¼-inch diameter line with a length of at least one-half the width of the pool, but no more than 60 ft; or
2. A life pole, or a "shepherd's crook" of at least 8 ft in length and having blunted ends; or
3. A rescue buoy made of lightweight, hard, buoyant plastic with molded handgrips along each side and provided with a 4- to 6-ft tow rope and shoulder strap, or
4. A rescue tube made of a soft, strong foam material 3 inches by 6 inches by 40 inches with a molded strap providing a ring at one end and a hook at the other. Attached to the end with the ring shall be a 6-ft-long towline with a shoulder strap.

NOTE: Rescue equipment identified in 15.4(4)*"f"*(2)"3" and "4" above shall be used only at swimming pools where lifeguards are employed. If a facility employs lifeguards, the lifeguards shall be provided with the minimum equipment required by their training including but not limited to rescue tubes and personal CPR masks.

(3) Lifesaving equipment is mounted in conspicuous places around the swimming pool deck during normal operations.

(4) A swimming pool facility has a first-aid kit which contains, at a minimum, the following:

1. Band-Aids.
2. Sterile 4″ × 4″ bandage compress.
3. Self-adhering gauze bandage.
4. Disposable gloves.
5. Chemical cold compress.

Where lifeguards are not provided, the first-aid kit is prominently mounted in the swimming pool enclosure or a sign stating its location is posted near the swimming pool. The first-aid kit is accessible when the swimming pool is open.

(5) A standard spine board with straps and a head immobilizer is provided at each swimming pool where lifeguards are required by rule.

(6) Except for wading pools and spray pads, each swimming pool where lifeguards are not provided has a designated emergency telephone or equivalent emergency communication system available to users of swimming pools when the swimming pool is open. When the telephone is not within the confines of the swimming pool enclosure, the location of the emergency telephone is posted in at least one conspicuous place within the swimming pool enclosure. Instructions for emergency use of the telephone are posted near the telephone.

At each swimming pool where lifeguards are employed, a telephone is available to the swimming pool staff for emergency purposes.

g. Water level. Water level in swimming pools shall be maintained at the skimming level.

h. Fully submerged outlets. Swimming pools and fully submerged outlets shall meet the following criteria:

(1) Each outlet, including the main drain(s), is designed to prevent user entrapment. A swimming pool is closed if the cover/grate of a fully submerged outlet is missing or broken.

(2) Each fully submerged outlet shall have a cover/grate that has been tested for compliance with the requirements of the ASME/ANSI standard by a testing agency that is certified for compliance by an engineer licensed in Iowa.

1. The cover/grate for an outlet system with a single fully submerged outlet has a flow rating of at least 100 percent of the maximum system flow rate. The combined flow rating for the cover/grates for an outlet system with more than one fully submerged outlet is at least 200 percent of the maximum system flow rate.

The maximum system flow rate for a main drain system is at least the design filter flow rate but may include play feature and water slide flow. The maximum system flow rate for other fully submerged outlets is the design flow rate of the pump(s) directly connected to the outlet system.

2. Fully submerged outlet cover/grates are not removable without the use of tools.

3. Purchase records and product information that demonstrate compliance are maintained by the facility for at least five years from the time the cover/grate is purchased. If a field fabricated cover/grate is certified for compliance to the ASME/ANSI standard by an engineer licensed in Iowa, a copy of the certification letter is kept at the facility for at least five years from the certification date.

(3) A swimming pool with a single fully submerged outlet that is not unblockable and that is directly connected to a pump is closed if the outlet does not have a cover/grate that complies with the ASME/ANSI standard.

If a swimming pool has two or more fully submerged outlets on a single surface that are all less than 3 ft apart on center, are not unblockable, and are directly connected to a pump, the swimming pool is considered to have a single fully submerged outlet.

(4) A swimming pool with a single fully submerged outlet that is not unblockable and that is directly connected to a pump is closed if the outlet system is not equipped with a safety vacuum release system that is listed for compliance with ASME/ANSI A112.19.17-2002 or ASTM F2387-04 (2012).

1. Purchase records and product information that demonstrate compliance are maintained by the facility for at least five years from the time the SVRS is purchased or another approved system is installed.

2. An SVRS is installed in accordance with the manufacturer's instructions.

3. An SVRS is tested for proper function at the frequency recommended by the manufacturer but at least once in each month the swimming pool is operated. The date and result of each test is recorded.

(5) In lieu of compliance with 15.4(4)*"h"*(2), (3) and (4) above, a fully submerged outlet in a swimming pool may be disabled with the approval of the department, except that an equalizer in a skimmer may be plugged without department approval if the management of the swimming pool submits to the department information, including but not necessarily limited to:

1. The area and volume of the pool;

2. The functional areas of the pool and the depths in those areas;

3. Detailed information about the inlet system, including the location of the inlets, the depth of the inlets, and the type of inlet fitting;

4. Detailed information about the overflow system, gutter or skimmer, number of skimmers, and pipe sizes;

5. Pump information and flow rates for the outlet system;

6. Filter type, number of filters, the size of the filter(s), and whether multiple filters are backwashed together or separately.

If the department approves the application to disable the outlet, the outlet valve is closed and the valve secured by removing the handle, by locking the handle closed, or by another method approved by the department. The outlet may be physically disconnected from the pump system.

i. Surface finish and float lines. Surface finish and float lines shall meet the following criteria:

(1) The bottom and sides of a swimming pool are white or a light color. This does not prohibit painting or marking racing lines, stairs or turn targets with contrasting colors.

(2) The swimming pool walls and floor have a smooth surface to facilitate cleaning.

(3) The boundary between shallow and deep water (5 ft) is marked by a float line with floats spaced no more than 5 ft apart. The float line is installed on the shallow side of the boundary within 12 inches of the boundary. When the slope of the floor of a swimming pool exceeds 1 ft vertical to 12 ft horizontal at a depth of less than 5 ft, the float line is placed on the shallow side of the slope change within 12 inches of the slope change in lieu of a float line at the 5 ft depth.

(4) A wave pool is equipped with a float line with floats spaced no more than 5 ft apart. The float line shall be located at least 6 ft from the deep-end wall. Users are not permitted between the float line and the deep-end wall.

(5) The landing area for a swimming pool slide or a water slide that terminates in a swimming pool is delineated by a float line.

A float line is not required when the landing area is in deep water provided the distance between the slide and any diving board(s) meets the requirements for diving board spacing. The distance between the side of the slide at the slide's terminus and the swimming pool wall is in accordance with the manufacturer's recommendations, but shall be at least 8 ft.

A float line is not required for a slide that is designed for toddlers and young children and that terminates in water that is 2 ft deep or less. The landing area is designated by a brightly colored pad securely fastened to the floor of the swimming pool or by painting the floor at the end of the slide.

j. Depth marking. Depth marking shall meet the following criteria:

(1) Depth markers are painted or otherwise marked on the deck within 3 ft of the edge of the swimming pool. The depth of a wave pool is also marked on the side walls of the wave pool, above the maximum static water level, where the depth is 3 ft or more, and on the deep-end wall of the wave pool. Depth markers are not required at the zero-depth end of a wading pool, wave pool, or a zero-depth swimming pool. Depth markers are not required at a plunge pool on the flume discharge end or on the exit end if stairs are used for exit.

(2) Depth markers are located at 1-ft depth intervals but not more than 25 ft apart measured between the centers of the depth markers around the area of a swimming pool that has a water depth of 5 ft or less.

(3) Depth markers are located not more than 25 ft apart measured between the centers of the depth markers around the deep end of the swimming pool. The words "Deep Water" may be used in place of numerals.

(4) In lieu of 15.4(4)*"j"*(2) above, the maximum depth of a wading pool may be posted at each entrance to a wading pool enclosure and at one conspicuous location inside the wading pool enclosure in letters or numbers at least 3 inches high.

(5) The depth of a leisure river is posted at the entrance(s) to the leisure river in characters at least 3 inches high. The depth of the leisure river is marked on the side wall of the leisure river above the static water level at intervals not to exceed 50 ft on center. The depth of the leisure river is marked on the deck in the areas where users are permitted. The depth markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center. The depth markers at a leisure river constructed before May 4, 2005, are not required to be changed until the deck or channel structure is replaced or repaired.

(6) "No Diving" or equivalent wording or graphics are marked on the swimming pool deck within 3 ft of the edge of the swimming pool where the water is shallow and at other pool areas determined by management. The markers are 25 ft apart or less, center to center, around the perimeter of the area. This marking is not required for wading pools or at the zero-depth end of a wave pool or of a zero-depth swimming pool. "No Diving" or equivalent wording or graphics are marked on the deck of a leisure river in areas where users are permitted. The "No Diving" markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center. The "No Diving" markers at a leisure river constructed before May 4, 2005, are not required to be changed until the deck or channel structure is replaced or repaired.

(7) Letters, numbers, and graphics marked on the deck are slip-resistant, of a color contrasting with the deck and at least 4 inches in height.

k. Deck safety. Deck safety shall meet the following criteria:

(1) Decks are maintained slip-resistant, and free of litter, obstructions and tripping hazards.

(2) Glass objects, other than eyeglasses and safety glass doors and partitions, are not permitted on the deck.

l. Enclosure. Swimming pool enclosure shall meet the following criteria:

(1) Except for a circulated wading pool that is drained when not in use, or a spray pad, a swimming pool is enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The enclosure is constructed of durable materials.

(2) A fence, wall, or other means of enclosure has no openings that would allow the passage of a 4-inch sphere and are not easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from outside the facility, or between the two lowest horizontal supports accessible from outside the facility, is at least 45 inches. A horizontal support is considered accessible if it is on the exterior of the fence relative to the swimming pool, or if the gap between the vertical members of the fence is greater than 1¾ inches.

(3) At least one gate or door with an opening of at least 36 inches in width is provided for emergency purposes. When closed, gates and doors comply with the requirements of 15.4(4)*"l"*(2) above. Except where lifeguard or structured program supervision is provided whenever the swimming pool is open, gates and doors are self-closing and self-latching.

(4) If a wading pool is within 50 ft of a swimming pool, the wading pool has a barrier at least 36 inches high separating it from the swimming pool. A barrier installed after May 4, 2005, has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The barrier has at least one 36-inch-wide gate or door. Gates and doors are lockable. Except where lifeguard supervision is provided, gates and doors are self-closing and self-latching.

The department may approve alternate management of the area between the wading pool and swimming pool at a facility where lifeguards are provided whenever the pools are open. The alternate management plan will be in writing and shall be at the facility when the pools are open.

(5) An indoor swimming pool is enclosed by a barrier at least 3 ft high if there are sleeping rooms, hallways, apartments, condominiums, or permanent recreation areas that are used by children and which open directly into the swimming pool area. No opening in the barrier permits the passage of a 4-inch sphere. The barrier is not easily climbable by toddlers. There is at least one 36-inch-wide gate or door through the barrier. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the pool is open, gates and doors are self-closing and self-latching.

(6) A wave pool has a continuous barrier along the full length of each side of the wave pool. The barrier is at least 42 inches high and is installed no more than 3 ft from the side of the wave pool. Wave pool users are not permitted in this area.

m. Electrical. Electrical systems and components shall meet the following criteria:

(1) Each electrical outlet in the deck, shower room, and pool water treatment equipment areas is equipped with a properly installed GFCI at the outlet or at the breaker serving the outlet. Electrical outlets energized through an ORP/pH controller are not required to have a separate GFCI if the controller is equipped with a GFCI or is energized through a GFCI breaker. GFCI receptacles and breakers are tested at least once in each month that the swimming pool is in operation. Testing dates and results are recorded in the pool records.

(2) Lighting.

1. Artificial lighting is provided at a swimming pool that is to be used at night or that does not have adequate natural lighting so that all portions of the swimming pool, including the bottom and main drain, may be clearly seen.

2. Underwater lights and fixtures are designed for their intended use. When the underwater lights operate at more than 15 volts, the underwater light circuit is equipped with a GFCI. When an underwater light needs to be repaired, the electricity is shut off until repairs are completed.

3. For outdoor swimming pools, no electrical wiring, except for overhead illumination, extends over a swimming pool.

n. Chlorine gas and carbon dioxide. Swimming pool facilities shall meet the following criteria:

(1) Chlorine gas feed equipment and full and empty chlorine cylinders are housed in a room or building used exclusively for that purpose during the pool operation season. Chlorine gas installations constructed prior to March 14, 1990, that are housed within chain-link fence or similar enclosure may be used provided that the chlorine cylinders are protected from direct sunlight and the applicable requirements below are met.

1. A chlorine gas room or building has an airtight exhaust system that takes its suction near the floor and discharges out of doors in a direction to minimize the exposure to swimming pool patrons. The system provides one air change every four minutes.

2. An air intake is provided near the ceiling.

3. The exhaust fan is operated from a switch in a nearby location outside the chlorine room or building. The switch is clearly labeled "Chlorine Exhaust Fan."

4. The discharge from the exhaust system is outside the pool enclosure.

5. Artificial lighting is provided in the chlorine room or building.

6. The door of a chlorine room or building is secured in an open position whenever the room is occupied.

7. A plastic bottle of commercial strength ammonia solution for leak detection is provided.

8. Rooms or buildings where chlorine is stored or used are placarded in accordance with 875—Chapter 140.

(2) CO_2 cylinders.

1. Chlorine gas and CO_2 cylinders are individually anchored with safety chains or straps.

2. Storage space is provided so that chlorine cylinders are not subject to direct sunlight.

3. The chlorinator is designed to prevent the backflow of water or moisture into the chlorine gas cylinder.

4. An automatic shutoff is provided to shut off the gas chlorinator and the pH control chemical pump when the recirculation pump stops.

o. Water slides. Water slides shall meet the following criteria:

(1) Water slide support structures are free of obvious structural defects.

(2) The internal surface of a flume is smooth and continuous for its entire length.

(3) The flume has no sharp edges within reach of a user while the user is in the proper sliding position.

p. Projections or obstructions. There shall be no underwater or overhead projections or obstructions that would endanger swimmer safety or interfere with proper swimming pool operation.

15.4(5) *Showers, dressing rooms, and sanitary facilities.* Swimming pool users shall have access to showers, dressing rooms, and sanitary facilities that are clean and free of debris. If a bathhouse is provided, the following shall be met:

a. Floors have a slip-resistant surface.

b. Floors provide adequate drainage to prevent standing water.

c. Olefin or other approved carpeting may be used in locker room or dressing room areas provided there is an adequate drip area between the carpeting and the shower room, toilet facilities, swimming pool, or other area where water can accumulate.

d. All lavatories, showers, and sanitary facilities are functional.

e. Soap is available at each lavatory and at each indoor shower fixture.

15.4(6) *Management, notifications, and records.*

a. Certified operator required. Each facility shall employ a certified operator. One certified operator may be responsible for a maximum of three facilities. Condominium associations, apartments, housing cooperatives, and homeowners associations with 25 or fewer living units are exempt from this requirement.

b. Pool rules sign. A legible pool rules sign shall be posted conspicuously at a minimum of two locations within the swimming pool enclosure. The sign shall include the following stipulations:

(1) No diving in the shallow end of the swimming pool and in other areas marked "No Diving."

(2) No rough play in or around the swimming pool.

(3) No running on the deck.

c. Other rules. Management may adopt and post such other rules as it deems necessary to provide for user safety and the proper operation of the facility.

d. "No Lifeguard" signs. Where lifeguards are not provided whenever the pool is open, a sign shall be posted at each entry to a swimming pool, stating that lifeguards are not on duty and children under the age of 12 must be accompanied by an adult, or at each entry to a wading pool, stating that lifeguards are not on duty and children must be accompanied by an adult.

e. Water slide rules. Rules and restrictions for the use of a water slide shall be posted near the slide and address the following as applicable:

(1) Use limits.

(2) Attire.

(3) Riding restrictions.

(4) Water depth at exit.

(5) Special rules to accommodate unique aspects of the attraction.

(6) Special warnings about the relative degree of difficulty.

f. Operational records. The operator of a swimming pool shall have the swimming pool operational records for the previous 12 months at the facility and make these records available when requested by a swimming pool inspector. These records shall contain a day-by-day account of swimming pool operation, including:

(1) ORP and pH readings, results of pH, free chlorine or total bromine residual, cyanuric acid, combined chlorine, and any other chemical test results.

(2) Results of microbiological analyses.

(3) Reports of complaints, accidents, injuries, and illness.

(4) Dates and quantities of chemical additions, including resupply of chemical feed systems.

(5) Dates when filters were backwashed or cleaned or when a filter cartridge was changed.

(6) Monthly ground fault circuit interrupter test results.

(7) Dates of review of material safety data sheets.

(8) If applicable, dates and results of tests of each SVRS installed at a facility.

g. Submission of records. An inspection agency may require a facility operator to submit to the inspection agency on a monthly basis a copy of the records of the ORP and pH readings, chemical test results and microbiological analyses. The inspection agency will notify the facility management of this requirement in writing at least 15 days before the reports are to be submitted for the first time. The facility management shall submit the required reports to the inspection agency within ten days after the end of each month of operation.

h. Certificates. Copies of certified operator certificates and copies of lifeguard, first-aid, basic water rescue, and CPR certificates for the facility staff shall be kept at the facility.

i. Operations manual. A permanent manual for the operation of the swimming pool shall be kept at the facility and include instructions for routine operations at the swimming pool including but not necessarily limited to:

(1) Water testing procedures, including the required frequency of testing.

(2) Maintaining the chemical supply for the chemical feed systems.

(3) Filter backwash or cleaning.

(4) Vacuuming and cleaning the swimming pool.

(5) Superchlorination.

(6) Controller sensor maintenance, where applicable.

j. Schematic drawing. A schematic drawing of the pool recirculation system shall be posted in the swimming pool filter room or in the operations manual. Clear labeling of the swimming pool piping with flow direction and water status (unfiltered, treated, backwash) may be substituted for the schematic drawing.

k. Safety data sheets. Copies of SDS of the chemicals used at the swimming pool shall be kept at the facility in a location known and readily accessible to facility staff with chemical-handling responsibilities. Each member of the facility staff with chemical-handling responsibilities shall review the SDS at least annually. The facility management shall retain records of the SDS reviews at the facility and make the records available upon request by a swimming pool inspector.

l. Emergency plan. The facility management shall develop a written emergency plan. The plan shall include but not be limited to actions to be taken in cases of drowning, serious illness or injury, chemical-handling accidents, weather emergencies, and other serious incidents. The emergency plan shall be reviewed with the facility staff at least once a year, and the dates of review or training shall be recorded in the pool records. The written emergency plan shall be kept at the facility and be available to a swimming pool inspector upon request.

m. Lifeguard staffing plan. The lifeguard/program staffing plan for the facility shall be available to the swimming pool inspector at the facility and include staffing assignments for all programs conducted at the pool.

15.4(7) *Reports.* Swimming pool and spa operators shall report to the local inspection agency, within one business day of occurrence, all deaths; near drowning incidents; head, neck, and spinal cord injuries; and any injury that renders a person unconscious or requires immediate medical attention.

641—15.5(135I) Construction and reconstruction. A swimming pool that is constructed or reconstructed shall comply with the following standards. Nothing in these rules exempts swimming pools and associated structures from any applicable federal, state or local laws, rules, or ordinances.

15.5(1) *Construction permit.*

a. Permit required. No swimming pool with a water surface area greater than 500 ft^2 shall be constructed or reconstructed without the owner or a designated representative of the owner first receiving a permit from the department. Construction shall be completed within 24 months from the date the construction permit is issued unless an extension is granted in writing by the department.

b. Permit application. The owner of a proposed or existing facility or a designated representative of the owner shall apply for a construction permit on forms provided by the department.

c. Plan submission and fee. Three sets of plans and specifications shall be submitted with the application, as well as a nonrefundable plan review fee for each swimming pool, leisure river, water slide, wave pool, wading pool, spray pad, zero-depth swimming pool, and multisection water recreation pool as required in 15.12(3).

d. Exception. After receiving a construction permit application, the department may authorize construction on a project to start before issuance of a permit. The authorization will be in writing to the owner or the owner's authorized representative.

e. Notification of completion. The owner of a newly constructed or reconstructed swimming pool, or the owner's designated representative, shall notify the department in writing at least 15 business days prior to opening the swimming pool.

15.5(2) *Plans and specifications.*

a. Plan certification. Plans and specifications shall be sealed and certified in accordance with the rules of the engineering and land surveying examining board or the architectural examining board by an engineer or architect licensed to practice in Iowa. This requirement may be waived by the department if the project is the addition or replacement of a chemical feed system, including a disinfection system, or a simple replacement of a filter or pump or both, or combination thereof.

If the requirement for engineering plans is waived, the owner of the facility assumes full responsibility for ensuring that the reconstruction complies with these rules and with any other applicable federal, state and local laws, rules and ordinances.

b. Content of plans. Plans and specifications submitted shall contain sufficient information to demonstrate to the department that the proposed swimming pool will meet the requirements of this chapter, including but not limited to:

(1) The name and address of the owner and the name, address, and telephone number of the architect or engineer responsible for the plans and specifications. If a swimming pool contractor applies

for a construction permit, the name, address, and telephone number of the swimming pool contractor shall be included.

(2) The location of the project by street address or other legal description.

(3) A site plan showing the pool in relation to buildings, streets, water and sewer service, gas service, and electrical service.

(4) Detailed scale drawings of the swimming pool and its appurtenances, including a plan view and cross sections, showing the location of inlets, overflow system components, main drains, the deck and deck drainage, the location and size of pool piping, the swimming pool ladders, stairs and deck equipment, including diving stands and boards, and fencing.

(5) A drawing(s) showing the location, plan, and elevation of filters, pumps, chemical feeders, ventilation devices, heaters, and surge tanks; and additional drawings or schematics showing operating levels, backflow preventers, valves, piping, flow meters, pressure gauges, thermometers, the make-up water connection, and the drainage system for the disposal of filter backwash water.

(6) Plan and elevation drawings of bathhouse facilities including dressing rooms; lockers; showers, toilets and other plumbing fixtures; water supply; drain and vent systems; gas service; water heating equipment; electrical fixtures; and ventilation systems, if provided.

(7) Complete technical specifications for the construction of the swimming pool, for the swimming pool equipment and for the swimming pool appurtenances.

c. Deviation from plans. No deviation from the plans and specifications or conditions of approval may be made without prior written approval of the department.

15.5(3) *General design.*

a. Construction of fill and drain wading pools is prohibited.

b. Materials. Swimming pools shall be constructed of materials that are inert, stable, nontoxic, watertight, and durable.

c. Structural loading.

(1) Swimming pools shall be designed and constructed to withstand the anticipated structural loading.

(2) Except for aboveground swimming pools, a hydrostatic relief valve or a suitable underdrain system shall be provided.

d. The water supplied to a swimming pool shall comply with 15.4(1)*"d."*

e. No part of a swimming pool recirculation system may be directly connected to a sanitary sewer. An air break or an air gap shall be provided.

15.5(4) *Decks.*

a. Deck width. A swimming pool shall be surrounded by a deck. The deck shall be at least 6 ft wide for a swimming pool with a water surface area of 1,500 ft^2 or greater, and 4 ft wide for a smaller swimming pool, and extend at least 4 ft beyond the diving stands, lifeguard chairs, swimming pool slides, or any other deck equipment.

b. Materials. Decks shall be constructed of stable, nontoxic, durable, and impervious materials and shall be provided with a slip-resistant surface.

c. Deck coverings. Porous, nonfibrous deck coverings may be used, subject to department approval, provided that:

(1) The covering allows drainage so that the covering and the deck underneath it do not remain wet or retain moisture.

(2) The covering is inert and will not support bacterial growth.

(3) The covering provides a slip-resistant surface.

(4) The covering is durable and cleanable.

d. Deck drainage. The deck of a swimming pool shall not drain to the pool or to the pool recirculation system, except as provided in 15.5(15)*"c"* and 15.5(16)*"b."* For deck-level swimming pools ("rim flow" or "rollout" gutter), a maximum of 5 ft of deck may slope to the gutter.

e. Deck slope. The deck slope shall be at least 1/8 inch/ft and no more than 1/2 inch/ft to drain. The deck shall be designed and constructed so that there is no standing water on the deck during normal operation of the facility.

f. Surface runoff. For outdoor swimming pools, the drainage for areas outside the facility and for nondeck areas within the facility shall be designed and constructed to keep the drainage water off the deck and out of the swimming pool.

g. Carpeting. The installation of a floor covering of synthetic material may be used only in separate sunbathing, patio, or refreshment areas, except as permitted by 15.5(4)*"c."*

h. Hose bibs. At least one hose bib shall be provided for flushing the deck.

i. Rinse showers. If users are permitted free access between the deck and an adjacent sand play area without having to pass through a bathhouse, a rinse shower area shall be installed between the deck and the sand play area, with fences, barriers and other structures installed so that users must pass through the rinse shower area when going from the sand play area to the deck, and meet the following criteria:

(1) Tempered water is provided for the rinse shower(s).

(2) The rinse shower area has sufficient drainage so that there is no standing water.

(3) Foot surfaces in the rinse shower area are impervious and slip-resistant.

15.5(5) *Recirculation.*

a. Combined recirculation. Two or more swimming pools may share the same recirculation system, but a wading pool cannot share a recirculation system with any other wading pool or swimming pool. Combined recirculation shall meet the following criteria:

(1) The recirculation flow rate for each swimming pool is calculated in accordance with 15.5(5)*"b."* The recirculation flow rate for the system is at least the arithmetic sum of the recirculation flow rates of the swimming pools.

(2) The flow to each pool is adjustable. A flow meter is provided for each pool.

b. Recirculation flow rate. The recirculation flow rate shall provide for the treatment of one pool volume within:

(1) Four hours for a swimming pool with a volume of 30,000 gal or less.

(2) Six hours for a swimming pool with a volume of more than 30,000 gal.

(3) Two hours for a wave pool.

(4) Four hours for a zero-depth pool.

(5) One hour for a wading pool.

(6) One hour for a water slide plunge pool.

(7) Four hours for a leisure river.

(8) Thirty minutes for a spray pad with its own filter system.

(9) For swimming pools with skimmers, the recirculation flow rate shall be at least 30 gpm per skimmer or the recirculation flow rate defined above, whichever is greater.

The recirculation flow rate for pools not specified in 15.5(5)*"b"*(1) through 15.5(5)*"b"*(9) will be determined by the department.

c. Recirculation pump. The recirculation pump(s) shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50 and shall comply with the following requirements:

(1) The pump(s) supply the recirculation flow rate required by 15.5(5)*"b"* at a TDH of at least that given in "1," "2," or "3" below unless a lower TDH is shown by the designer to be appropriate. A valve for regulating the rate of flow is provided in the recirculation pump discharge piping.

1. 40 feet for vacuum filters; or
2. 60 feet for pressure sand filters; or
3. 70 feet for pressure diatomaceous earth filters or cartridge filters.

(2) For sand filter systems, the pump and filter system are designed so that each filter can be backwashed at a rate of at least 15 gpm/ft^2 of filter area.

(3) If a pump is located at an elevation higher than the pool water surface, it is self-priming or the piping is arranged to prevent the loss of pump prime when the pump is stopped.

(4) Where a vacuum filter is used, a vacuum limit control is provided on the pump suction line. The vacuum limit switch is set for a maximum vacuum of 18 in Hg.

(5) A compound vacuum-pressure gauge is installed on the pump suction line as close to the pump as practical. A vacuum gauge may be used for pumps with suction lift. A pressure gauge is installed on

the pump discharge line as close to the pump as practical. Gauges are of such a size and located so that they may be easily read by the facility staff.

(6) On pressure filter systems, a hair and lint strainer is installed on the suction side of each recirculation pump. The hair and lint strainer basket is readily accessible for cleaning, changing, or inspection. A spare strainer basket shall be provided, except where the strainer basket has a volume of 15 gallons or more. This requirement may be waived for systems using vertical turbine pumps or pumps designed for solids handling.

d. Water heaters. Swimming pool water heaters shall meet the following criteria:

(1) A heating coil, pipe or steam hose cannot be installed in a swimming pool.

(2) Gas-fired pool water heaters comply with the requirements of ANSI/AGA Z21.56-2001, ANSI/AGA Z21.56a-2004, and ANSI/AGA Z21.26b-2004.

(3) Electric pool water heaters comply with the requirements of UL 1261 (2017) and bear the UL mark.

(4) A swimming pool water heater with an input of greater than 400,000 BTU/hour (117 kilowatts) has a water heating vessel constructed in accordance with ASME Boiler Code, Section 8 (2007). The data plate of the heater bears the ASME mark.

(5) A thermometer is installed in the piping to measure the temperature of the water returning to the pool. The thermometer is located so that it may be easily read by the facility staff.

(6) Combustion air is provided for fuel-burning water heaters as required by the state plumbing code, 641—Chapter 25, or as required by local ordinance.

(7) Fuel-burning water heaters are vented as required by the state plumbing code, 641—Chapter 25, or as required by local ordinance.

(8) Each fuel-burning water heater are equipped with a pressure relief valve sized for the energy capacity of the water heater.

e. Flow meters. Swimming pool flow meters shall meet the following criteria:

(1) Each swimming pool recirculation system is provided with a permanently installed flow meter to measure the recirculation flow rate.

(2) In a multiple pool system, a flow meter is provided for each pool.

(3) A flow meter is accurate within 5 percent of the actual flow rate between ± 20 percent of the recirculation flow rate specified in 15.5(5)*"b"* or the nominal recirculation flow rate specified by the designer.

(4) A flow meter is installed on a straight length of pipe with sufficient clearance from valves, elbows or other sources of turbulence to attain the accuracy required by 15.5(5)*"e"*(3). The flow meter is installed so that it may be easily read by facility staff, or a remote readout of the flow rate is installed where it may be easily read by the facility staff. The designer may be required to provide documentation that the installation meets the requirements of 15.5(5)*"e"*(3).

f. Vacuum cleaning system.

(1) A swimming pool vacuum cleaning system capable of reaching all parts of the pool bottom shall be provided.

(2) A vacuum system may be provided that utilizes the attachment of a vacuum hose to the suction piping through a skimmer.

(3) Automatic vacuum systems may be used provided they are capable of removing debris from all parts of the swimming pool bottom.

15.5(6) *Filtration.* A filter shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50 and comply with the following requirements:

a. Each pressure filter has a pressure gauge on the inlet side. Gauges are of such a size and located so that they may be read easily by the facility staff. A differential pressure gauge that gives the difference between the inlet and outlet pressure of the filter may be used in place of a pressure gauge.

b. An air relief valve is provided for each pressure filter.

c. Backwash water from a pressure filter discharges through an observable free fall, or a sight glass is installed in the backwash discharge line.

d. Backwash water is discharged indirectly to a sanitary sewer.

e. Rapid sand filter.

(1) The filtration rate does not exceed 3 gpm/ft^2 of filter area.

(2) The backwash rate is at least 15 gpm/ft^2 of filter area.

f. High-rate sand filter.

(1) The filtration rate does not exceed 15 gpm/ft^2 of filter area.

(2) The backwash rate is at least 15 gpm/ft^2 of filter area.

(3) If more than one filter tank is served by a pump, the designer demonstrates that the backwash flow rate to each filter tank meets the requirements of 15.5(6)*"f"*(2), or an isolation valve is installed at each filter tank to permit each filter to be backwashed individually.

g. Vacuum sand filter.

(1) The filtration rate does not exceed 15 gpm/ft^2 of filter area.

(2) The backwash rate is at least 15 gpm/ft^2 of filter area.

(3) An equalization screen is provided to evenly distribute the filter influent over the surface of the filter sand.

(4) Each filter system has an automatic air-purging cycle.

h. Sand filter media complies with the filter manufacturer's specifications.

i. Diatomaceous earth filter.

(1) The filtration rate does not exceed 1.5 gpm/ft^2 of effective filter area, except that a maximum filtration rate of 2.0 gpm/ft^2 may be allowed where continuous body feed is provided.

(2) Diatomaceous earth filter systems have piping to allow recycling of the filter effluent during precoat.

(3) Waste diatomaceous earth is discharged to a sanitary sewer. The discharge may be subject to the requirements of the local wastewater utility.

j. Cartridge filter.

(1) The filtration rate does not exceed 0.38 gpm/ft^2 of filter area.

(2) A duplicate set of cartridges is provided.

15.5(7) *Piping.*

a. Piping standards. Swimming pool piping shall conform to applicable nationally recognized standards and be specified for use within the limitations of the manufacturer's specifications. Swimming pool piping shall comply with the applicable requirements of NSF/ANSI Standard 61 (2020), "Drinking Water System Components—Health Effects." Plastic swimming pool pipe shall comply with the requirements of NSF/ANSI Standard 14 (2016b), "Plastic Piping Components and Related Materials," for potable water pipe.

b. Pipe sizing. Swimming pool recirculation piping shall be sized so water velocities do not exceed 6 ft/sec for suction flow and 10 ft/sec for pressure flow. Gravity piping shall be sized in accordance with recognized engineering principles.

c. Overflow system piping. The piping for an overflow perimeter gutter system shall be designed to convey at least 125 percent of the recirculation flow rate. The piping for a skimmer system shall be designed to convey at least 100 percent of the recirculation flow rate.

d. Main drain piping. If the main drains are connected to the recirculation system, the main drains and main drain piping shall be designed to convey at least 100 percent of the recirculation flow rate.

e. Play feature circulation. Where there are features that circulate water to the swimming pool and through the main drain and overflow systems, the main drain and overflow systems and the associated piping shall be designed to accommodate the combined flow of the recirculation system and the features within the requirements of 15.5(7)*"b"* and the applicable requirements of 15.5(9) and 15.5(10).

15.5(8) *Inlets.*

a. Inlets required. Wall inlets or floor inlets, or both, shall be provided for a swimming pool. The inlets shall be adequate to ensure effective distribution of treated water and the maintenance of a uniform disinfectant residual throughout the swimming pool. The designer may be required to provide documentation of adequate distribution, such as dye testing of a pool.

b. Wall inlet spacing. Where wall inlets are used, they shall be no more than 20 ft apart around the perimeter of the area with an inlet within 5 ft of each corner of the swimming pool and meet the following criteria:

(1) There is at least one inlet at each stairway or ramp leading into a swimming pool.

(2) Except for wading pools, wall inlets are located at least 6 inches below the design water surface.

(3) Wall inlets in pools with skimmers are directional flow-type inlets.

(4) Each inlet has a directional flow inlet fitting with an opening of 1-inch diameter or less, or a fixed fitting with openings ½ inch wide or less.

c. Floor inlets. Floor inlets shall be provided for the areas of a zero-depth swimming pool or wave pool where the water is less than 2 ft deep and may be used throughout a swimming pool in lieu of or in combination with wall inlets. Floor inlets shall be flush with the pool floor, as well as no more than 20 ft apart and within 15 ft of each wall of the swimming pool in the area where they are used.

15.5(9) *Overflow system.*

a. Skimmers. Swimming pool skimmers shall meet the following criteria:

(1) Recessed automatic surface skimmers are listed by NSF or by another listing agency as complying with the requirements of Standard 50, except that an equalizer is not required for a skimmer installed in a swimming pool equipped with an automatic water level maintenance device.

(2) Skimmers may be used for swimming pools that are no more than 30 ft wide.

(3) A swimming pool has at least one skimmer for each 500 ft^2 of surface area or fraction thereof.

(4) Each skimmer is designed for a flow-through rate of at least 30 gpm or 3.8 gpm per lineal inch of weir, whichever is greater. The combined flow capacity of the skimmers in a swimming pool cannot be less than the total recirculation rate.

(5) Each skimmer has a weir that adjusts automatically to variations in water level of at least 4 inches.

(6) Each skimmer is equipped with a device to control flow through the skimmer.

(7) If a swimming pool is not equipped with an automatic water level maintenance device, each skimmer that is a suction outlet has an operational equalizer. The equalizer opening in the swimming pool is covered with a fitting listed by a listing agency as meeting the requirements of the ASME/ANSI standard.

(8) A skimmer pool has a handhold around the perimeter of the pool. The handhold is 9 inches or less above the minimum skimmer operation level.

b. Perimeter overflow gutters. Swimming pool perimeter overflow gutters shall meet the following criteria:

(1) A swimming pool greater than 30 ft in width, except for a wave pool or a wading pool, has a perimeter overflow gutter system.

(2) The overflow weir extends completely around the swimming pool, except at stairs, ramps, or water slide flumes.

(3) The gutter is designed to provide a handhold and to prevent entrapment.

(4) Drop boxes, converters, return piping, or flumes used to convey water from the gutter are designed to convey 125 percent of the recirculation flow rate. The flow capacity of the gutter and the associated plumbing are sufficient to prevent backflow of skimmed water into the swimming pool.

(5) Gutter overflow systems are designed with an effective surge capacity within the gutter system and surge tank of not less than 1 gal/ft^2 of swimming pool surface area. In-pool surge may be permitted for prefabricated gutter systems, subject to the approval of the department.

c. Alternative overflow systems. Overflow systems not meeting all of the requirements in 15.5(9) *"a"* or *"b"* may be used if the designer can provide documentation that the alternative overflow system will skim the pool water surface at least as effectively as a skimmer system.

15.5(10) *Main drain system.* Swimming pool main drain systems shall meet the following criteria:

a. Main drains. Each swimming pool has a convenient means of draining the water from the pool for winterization and service.

b. Main drains for recirculation. If the main drain system is connected to the recirculation system, there are two or more main drains or a single main drain that is unblockable.

(1) Two main drains are at least 3 ft apart on center. If three or more main drains are installed, the distance between the drains farthest apart is at least 3 ft on center.

(2) Each main drain and its associated piping in a swimming pool are designed for the same flow rate. Multiple drains are plumbed in parallel, and the piping system is designed to equalize flow among the main drains.

(3) If one or two main drains are installed, each main drain cover/grate, sump and the associated piping is designed for at least 100 percent of the recirculation flow rate specified by 15.5(5)*"b."* If three or more main drains are installed, the combined flow rating of the cover/grates, the sumps and the associated piping is at least 200 percent of the recirculation flow rate. If water for water slides, fountains and play features is circulated through the main drain and overflow systems, the main drains are designed for the combined feature and recirculation flow.

(4) Manufactured main drain sumps are listed by a listing agency for compliance with the ASME/ANSI standard. Field fabricated sumps are designed in accordance with the ASME/ANSI standard and certified by an engineer licensed in Iowa.

(5) There is a control valve to adjust the flow between the main drain and the overflow system.

(6) Main drain covers. Each main drain is covered with a cover/grate that complies with the ASME/ANSI standard.

1. The flow rating for each cover/grate complies with 15.5(10)*"b"*(3).

2. The mark of a listing agency is permanently marked on the top surface of each manufactured cover/grate.

3. Field fabricated cover/grates are certified for compliance to the ASME/ANSI standard by a professional engineer licensed in Iowa. A certificate of compliance is provided to the swimming pool owner and to the department.

4. The main drain cover/grate is designed to be securely fastened to the pool so that the cover/grate is not removable without tools.

c. Feature outlets. Where fully submerged outlets for play or decorative features or water slides are in the swimming pool, the outlets shall be designed in accordance with 15.5(10)*"b."*

15.5(11) *Disinfection.* Swimming pool disinfection shall meet the following criteria:

a. Each swimming pool recirculation system is equipped with an automatic controller for maintenance of the disinfectant level in the swimming pool water. The control output of the controller to the disinfectant feed system is based on the continuous measurement of the ORP of the water in the swimming pool recirculation system.

b. No disinfection system designed to use di-chlor or tri-chlor is installed for an indoor swimming pool.

c. A continuous feed disinfectant system is provided. The disinfectant feed system has the capacity to deliver at least 10 mg/L chlorine or bromine equivalent based on the recirculation flow rate required in 15.5(5)*"b"* for an outdoor swimming pool and 4 mg/L chlorine or bromine equivalent based on the recirculation flow rate required in 15.5(5)*"b"* for an indoor swimming pool.

d. A disinfectant feeder (except chlorine gas feed equipment) is listed by NSF or by another listing agency as complying with the requirements of Standard 50.

e. The disinfectant system is installed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

f. Gas chlorinator facilities comply with applicable federal, state and local laws, rules and ordinances and the requirements below.

(1) The chlorine supply and gas feeding equipment is housed in a separate room or building.

1. No entrance or openable window to the chlorine room goes to the inside of a building used other than for the storage of chlorine.

2. The chlorine room is provided with an exhaust system that takes its suction not more than 8 inches from the floor and discharges out of doors in a direction to minimize the exposure of swimming pool patrons to chlorine gas. The exhaust system is capable of producing 15 air changes per hour in the chlorine room.

3. An automatic chlorine leak detector and alarm system is provided in the chlorine room. The alarm system provides visual and audible alarm signals outside the chlorine room.

4. An air intake is provided near the ceiling of the chlorine room. The air intake and the exhaust system outlet are at least 4 ft apart.

5. The room has a window at least 12 inches square. The window glass is shatterproof.

6. The door of the chlorine enclosure opens outward. The inside of the door is provided with panic hardware.

7. The chlorine room has adequate lighting.

8. Electrical switches for the exhaust system and for the lighting are outside the chlorine room and adjacent to the door, or in an adjoining room.

9. An anchoring system is provided so that full and empty chlorine cylinders can be individually secured.

10. Scales are provided for weighing the cylinders that are in use.

(2) A chlorine enclosure that is 30 inches deep or less and 72 inches wide or less and that is installed out of doors complies with the above requirements except:

1. An automatic chlorine leak detector is not required.

2. The enclosure has a window of at least 48 in^2.

3. The light and exhaust fan may be activated by opening the door rather than by a separate switch.

(3) The chlorinator is designed to prevent the backflow of water into the chlorine cylinder.

g. Where a metering pump is used to feed a solution of disinfectant, the disinfectant solution container has a capacity of at least one day's supply at the rate specified in 15.5(11)*"c,"* except that when the system is designed to feed directly from a 55-gal shipping container, a larger solution container is not required.

Secondary containment is provided when a tank larger than 55 gallons is installed for the storage of sodium hypochlorite.

h. The storage capacity of an erosion feeder is at least one day's supply of disinfectant at the rate specified in 15.5(11)*"c."*

15.5(12) *pH control.* Swimming pool pH control shall meet the following criteria:

a. pH controller required. Each swimming pool recirculation system approved for construction after May 4, 2005, is equipped with a controller that senses the pH of the swimming pool water and that automatically controls the operation of a metering pump for the addition of a pH control chemical or the operation of a CO_2 gas feed system.

b. pH chemical feed required. Each swimming pool has a metering pump for the addition of a pH control chemical to the pool recirculation system, or a CO_2 gas feed system.

c. Metering pump listing. A metering pump is listed by NSF or by another listing agency as meeting the requirements of Standard 50.

d. CO_2 cylinder anchors. Where CO_2 is used as a method of pH control, an anchoring system is provided to individually secure full and empty CO_2 cylinders.

e. Chemical feed stop. The pH control system is installed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

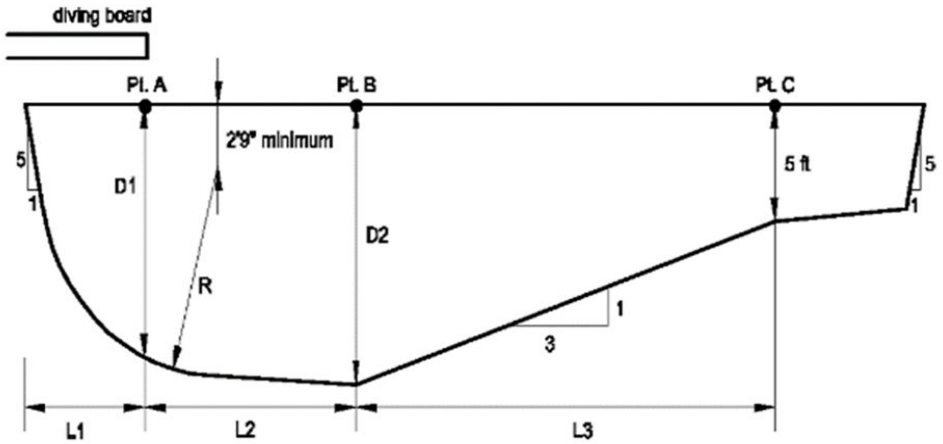
15.5(13) *Safety.*

a. Diving areas shall meet the following criteria:

(1) Diving boards are permitted only if the diving area dimensions conform to the minimum requirements shown in Figure 2 and Tables 3 and 4. The distances specified in Tables 3 and 4 are measured from the top center of the leading edge of the diving board. The reference water level is the midpoint of the skimmer opening for a skimmer pool or a stainless steel gutter system with surge weirs. The reference water level for a gutter pool is the top of the gutter weir.

(2) Where diving boards are specified that have been advertised or promoted to be "competition" diving boards, the diving area complies with the standards of the National Collegiate Athletic Association (NCAA) or the National Federation of State High School Associations (NFSHSA).

Figure 2



R minimum = Pool depth minus Vertical wall depth from the water line minus 3 inches.

Table 3

		Minimum Dimensions					Minimum Width of Pool		
Diving Board Height Above Water	Maximum Board Length	D1	D2	L1	L2	L3	Pt A	Pt B	Pt C
Deck level to 2/3 meter	10 ft	7 ft	8.5 ft	2.5 ft	8 ft	10.5 ft	16 ft	18 ft	18 ft
Greater than 2/3 meter to 3/4 meter	12 ft	7.5 ft	9 ft	3 ft	9 ft	12 ft	18 ft	20 ft	20 ft
Greater than 3/4 meter to 1 meter	16 ft	8.5 ft	10 ft	4 ft	10 ft	15 ft	20 ft	22 ft	22 ft
Greater than 1 meter to 3 meters	16 ft	11 ft	12 ft	6 ft	10.5 ft	21 ft	22 ft	24 ft	24 ft

Table 4

Diving Board Height Above Water	To Pool Side	To 1-Meter Board	To 3-Meter Board
Deck level to 1 meter	10 ft	8 ft	10 ft
Greater than 1 meter	11 ft	10 ft	10 ft

(3) There is a completely unobstructed clear distance of 13 ft above the diving board measured from the center of the front end of the board. This area extends at least 8 ft behind, 8 ft to each side, and 16 ft beyond the end of the diving board.

(4) Diving boards and platforms have slip-resistant surfaces.

(5) Diving board supports, ladders, and guardrails.

1. Supports, platforms, and steps for diving boards are of substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads.

2. Ladders, steps, supports, handrails, and guardrails are of corrosion-resistant materials or are provided with a corrosion-resistant coating and are designed to have no exposed sharp edges. Ladder steps have slip-resistant surfaces.

3. Handrails are provided at steps leading to diving boards and diving platforms. Guardrails are provided for diving boards and platforms that are more than 1 meter above the water. Guardrails for diving boards and platforms are at least 36 inches high and extend to the edge of the water.

b. Starting blocks and starting block installation shall meet the requirements of the competition governing body (National Collegiate Athletic Association, USA Swimming, or National Federation of State High School Associations).

c. Stairs, ladders, and recessed steps shall meet the following criteria:

(1) Ladders or recessed steps are provided in the deep portion of a swimming pool and in the shallow portion if the vertical distance from the bottom of the swimming pool to the deck is more than 2

ft. Stairs or ramps may be used instead of ladders or recessed steps at the shallow end of the swimming pool.

(2) If a swimming pool is over 30 ft wide, recessed steps, ladders, ramps, or stairs are installed on each side. If a stairway centered on the shallow end wall of the swimming pool is within 30 ft of each side of the swimming pool, that end of the swimming pool is considered in compliance with this subrule.

(3) The foot contact surfaces of stairs, ramps, ladder rungs, and recessed steps are slip-resistant.

(4) Ladders.

1. Ladders have a handrail on each side that extends from below the water surface to the top surface of the deck.

2. Ladders, treads, or supports are of a color contrasting with the swimming pool walls; however, stainless steel ladders may be used with stainless steel wall pools.

3. A ladder has a tread width of at least 16 inches and a uniform rise of 12 inches or less.

4. The distance between the swimming pool wall and the vertical rail of a ladder is no greater than 6 inches and no less than 3 inches. The lower end of each ladder rail is securely covered with a smooth nonmetallic cap and within 1 inch of the swimming pool wall.

(5) Recessed steps.

1. Recessed steps have a tread depth of at least 5 inches, a tread width of at least 12 inches, and a uniform rise of no more than 12 inches.

2. Each set of recessed steps is equipped with a securely anchored deck-level grab rail on each side.

3. Recessed steps drain to the pool.

(6) Stairs.

1. Stairs have a uniform tread depth of at least 12 inches and a uniform rise of no more than 10 inches. The area of each tread shall be at least 240 in^2.

2. Stairs are provided with at least one handrail for each 12 ft in width. Handrails are between 34 inches and 38 inches high, measured vertically from the line defined by the front edge of the steps.

3. A slip-resistant stripe at least 1 inch wide of a color contrasting with the step surface and with the swimming pool floor is marked at the top front edge of each tread.

(7) Handrails and grab rails.

1. Ladders, handrails, and grab rails are designed to be securely anchored so that tools are required for their removal.

2. Ladders, handrails, and grab rails are constructed of corrosion-resistant materials or provided with corrosion-resistant coatings and have no exposed sharp edges.

d. Swimming pool floor slope shall meet the following criteria:

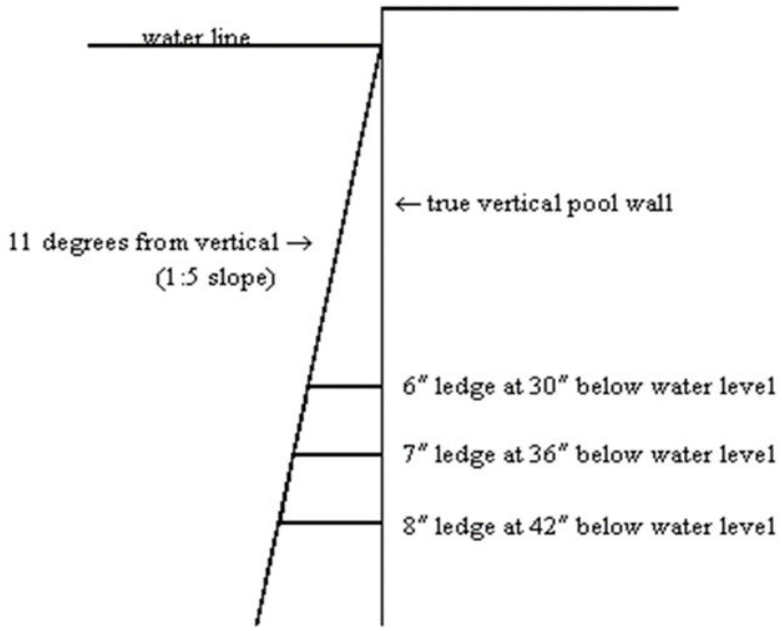
(1) The bottom of the swimming pool slopes toward the main drain(s). The slope of the swimming pool bottom where the water is less than 5 ft deep does not exceed 1 ft vertical in 12 ft horizontal.

(2) Subject to the written approval of the department, a swimming pool may be designed to have the change in slope (from 1:12 or less to a steeper slope) at a point where the water depth is less than 5 ft. The marking requirements of 15.5(13)*"f"*(3) and 15.5(13)*"f"*(4) shall apply and, if possible, depth markers that are clearly visible to persons in the pool shall be provided.

e. Swimming pool walls shall meet the following criteria:

(1) Walls in the deep section of a swimming pool are vertical to a water depth of at least 2.8 ft. If a transition radius is provided, it complies with Figure 2.

Figure 3



(2) The term "vertical" is interpreted to permit slopes not greater than 1 ft horizontal for each 5 ft of depth of side wall (11° from vertical).

(3) Ledges, when provided, fall within an 11° line from vertical, starting at the water surface (Figure 3). A ledge is no less than 4 inches wide and no more than 8 inches wide. A ledge has a slip-resistant surface.

f. Surface finish and markings shall meet the following criteria:

(1) The swimming pool floor has a slip-resistant finish.

(2) The bottom and sides of the swimming pool are white or a light color. This does not prohibit painting or marking racing lines or turn targets.

(3) Where the slope of a swimming pool bottom in a shallow area changes from 1:12 or less to a slope greater than 1:12, or at the 5-ft depth area, the pool bottom and sides are marked with a stripe at least 4 inches wide in a color contrasting with the pool bottom and sides. The stripe is on the shallow side of the slope change or 5-ft depth area within 6 inches of the slope change or 5-ft depth area. Depending on the pool configuration, more than one stripe may be required.

(4) A float line with floats no more than 5 ft apart are installed on the shallow side of the stripe required in 15.5(13)*"f"*(3) within 12 inches of the stripe.

(5) The landing area for a swimming pool slide or a water slide that does not terminate in a separate plunge pool is delineated by a float line or as approved by the department.

(6) Depth markers.

1. Depth markers are painted or otherwise marked on the deck within 3 ft of the edge of a swimming pool. The depth of a wave pool is also marked on the side walls of the wave pool above the maximum static water level where the static water depth is 3 ft or more and on the deep-end wall of the wave pool.

2. Depth markers are located 25 ft apart or less, center to center, around the full perimeter of a swimming pool.

EXCEPTIONS: Depth markers are not required at the zero-depth end of a wading pool, wave pool, or a zero-depth swimming pool. Depth markers are not required on the deck of a plunge pool on the flume discharge end or on the exit end if stairs are used for exit.

3. The maximum depth of a swimming pool is marked on both sides of a swimming pool at the main drain.

4. The water depth of a swimming pool is marked at both ends of a float line required by 15.5(13) *"f"*(4).

5. In shallow water, the depth is marked at 1-ft depth intervals starting at one of the points specified in "3" and "4" above, if the 1-ft depth interval is less than 25 ft. The zero depth is used as the starting point for a zero-depth swimming pool.

6. In deep water, the words "Deep Water" may be used in place of numerals except as required in "3" above.

7. "No Diving" or equivalent wording or graphics are marked on the swimming pool deck within 3 ft of the edge of the swimming pool where the water is shallow and at other pool areas determined by management. The markers are 25 ft apart or less, center to center, around the perimeter of the area. This marking is not required at the zero-depth end of a wave pool or of a zero-depth swimming pool. "No Diving" or equivalent wording or graphics are marked on the deck of a leisure river in the areas where users will be permitted. The "No Diving" markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center.

8. Letter, number and graphic markers are slip-resistant, of a contrasting color from the deck and at least 4 inches in height.

9. In lieu of the requirements of "1" through "8" above, the maximum depth of a wading pool may be posted in lettering a minimum of 3 inches high at each entrance to the wading pool area and at least at one conspicuous location inside the wading pool enclosure. "No Diving" markers are not required at a wading pool.

10. The depth of a leisure river is posted at the entrance(s) to the leisure river in characters at least 3 inches high. The depth of the leisure river is marked on the side wall of the leisure river above the static water level at intervals not to exceed 50 ft on center. The depth of the leisure river is marked on the deck in the areas where users will be permitted. The depth markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center.

g. Elevated lifeguard chairs or stations shall be provided as follows: one chair or station for a swimming pool with a water surface area of 2,000 to 4,000 ft^2 inclusive; two chairs or stations if the area is 4,001 to 6,000 ft^2; three chairs or stations if the area is 6,001 ft^2 or more. A swimming pool is not required to have more than three lifeguard chairs or stations. This requirement does not apply to wave pools, leisure rivers or wading pools.

h. Emergency equipment and facilities shall meet the following criteria:

(1) If a swimming pool facility employs lifeguards, whether required by rule or not, the lifeguards are provided with the minimum equipment required by their training, including but not necessarily limited to rescue tubes and personal CPR masks.

(2) A minimum of one unit of lifesaving equipment is provided for each 1,500 ft^2 of water surface area or fraction thereof. The area of a swimming pool where the water is 2 ft deep or less may be subtracted from the total area for this requirement. A swimming pool is not required to have more than ten units of lifesaving equipment.

(3) A unit of lifesaving equipment consists of at least one of the following:

1. A U.S. Coast Guard-recognized ring buoy fitted with a ¼-inch diameter line with a length at least one-half the width of the pool, but no more than 60 ft; or

2. A life pole with a "shepherd's crook," having blunted ends with a minimum length of 8 ft; or

3. A rescue buoy which is made of a hard, buoyant plastic and is provided with molded handgrips along each side, a shoulder strap, and a towing rope between 4 and 6 ft long; or

4. A rescue tube made of a soft, strong foam material 3 inches by 6 inches by 40 inches with a molded strap providing a ring at one end and a hook at the other. Attached to the ring end is a 6-ft-long towline with a shoulder strap; or

Rescue equipment identified in 15.5(13)*"h"*(3)"3" and "4" above is used only at swimming pools where lifeguards are employed.

(4) Whenever lifeguard chairs are provided, each chair is equipped with at least one unit of lifesaving equipment.

(5) A standard spine board with straps and head immobilizer is provided at each swimming pool where lifeguards are required by rule.

i. Pool enclosures shall meet the following criteria:

(1) Except for a circulated wading pool that is drained when not in use, or a spray pad, a swimming pool is enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The enclosure is constructed of durable materials.

(2) A fence, wall, or other means of enclosure has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from outside the facility, or between the two lowest horizontal supports accessible from outside the facility, is at least 45 inches. A horizontal support is accessible if it is on the exterior of the fence relative to the swimming pool or if the space between the vertical members of a fence is greater than 1¾ inches.

(3) Gates and doors are installed in the enclosure for general access, maintenance, and emergency access. At least one 36-inch-wide gate or door is installed for emergency access. When closed, gates and doors comply with the requirements of 15.5(13)*"i"*(1) and (2). Gates and doors are lockable. Except where lifeguard or structured program supervision is provided whenever the swimming pool is open, gates and doors are self-closing and self-latching.

(4) If a wading pool is within 50 ft of a swimming pool, the wading pool has a barrier at least 36 inches high separating it from the swimming pool. The barrier has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The barrier has at least one 36-inch-wide gate or door. Gates and doors are lockable. Except where lifeguard supervision is provided, gates and doors are self-closing and self-latching.

The department may approve alternate management of the area between the wading pool and swimming pool at facilities where lifeguards are provided whenever the pools are open. The alternate management plan will be in writing and shall be at the facility when the pools are open.

(5) An indoor swimming pool is enclosed by a barrier at least 3 ft high if there are sleeping rooms, hallways, apartments, condominiums, or permanent recreation areas that are used by children and that open directly into the swimming pool area. No opening in the barrier permits the passage of a 4-inch sphere. The barrier is not easily climbable by toddlers. There is at least one 36-inch-wide gate or door through the barrier. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the pool is open, gates and doors are self-closing and self-latching.

j. Construction or reconstruction shall comply with the state electrical code, 661—Chapter 550, including Article 680 of the adopted National Electrical Code, and the following requirements:

(1) Each electrical outlet in the deck, shower and dressing rooms and the pool water treatment equipment areas is equipped with a properly installed GFCI at the outlet or at the breaker serving the outlet. Electrical outlets energized through an ORP/pH controller are not required to have a separate GFCI if the controller is equipped with a GFCI or is energized through a GFCI breaker.

(2) An underwater light circuit is equipped with a GFCI unless the underwater light(s) operates at 15 volts or less.

k. Artificial lighting shall be provided at indoor swimming pools and at outdoor swimming pools which are to be used after sunset in accordance with the following:

(1) Underwater lighting of at least 8 lamp lumens/ft^2 or 0.5 watts/ft^2 of water surface area, located to provide illumination of the entire swimming pool bottom, and area lighting of at least 10 footcandles (fc) or 0.6 watts/ft^2 of deck area.

(2) If underwater lights are not provided, overhead lighting of at least 30 fc or 2.0 watts/ft^2 of swimming pool water surface area are provided.

l. Swimming pool slides shall be installed in accordance with the manufacturer's recommendations.

15.5(14) *Wading pools.* Wading pools shall comply with the applicable provisions of 15.5(1) through 15.5(13) and 15.5(21), except as modified below.

a. A wading pool shall have at least 4 ft of deck.

b. Overflow system.

(1) Intermittent fixed weir overflow structures, including gutters, overflow fixtures, and drains at zero depth may be used. They shall have a hydraulic capacity of at least 125 percent of the recirculation flow rate.

(2) If skimmers are used, there shall be at least one skimmer for every 500 ft^2 of water surface area or fraction thereof.

1. The recirculation flow rate shall be at least 3.8 gpm per lineal inch of skimmer weir or as required in 15.5(5)*"b,"* whichever is greater.

2. The skimmer(s) suction line may be connected to the main drain line in lieu of an equalizer.

3. A skimmer(s) may be used in combination with overflow drains in a zero-depth wading pool.

c. Inlets shall be designed to uniformly distribute treated water throughout the wading pool. Wall and floor inlets or other means may be used, alone or in combination.

15.5(15) *Wave pools.* Wave pools shall comply with the applicable provisions of 15.5(1) through 15.5(13) and 15.5(21), except as modified below.

a. Perimeter overflow gutters and skimmers are not required on the deep-end wall where the wave generation equipment is located.

b. There shall be an overflow drain or weir across the full width of the zero-depth end of the wave pool.

The drain shall be covered with a grate designed to prevent entrapment. The grate shall be designed so that it is securely fastened to the pool floor and cannot be removed without a tool or tools.

c. The deck above the overflow drain at the zero-depth end of the pool may slope to the overflow drain for a distance no greater than 15 ft. The deck slope shall be no greater than 1 ft vertical in 12 ft horizontal.

d. There shall be a perimeter overflow gutter or overflow fittings along both sides of the wave pool where the water is 3 ft deep or more.

(1) If a perimeter overflow gutter is used, it shall be designed to prevent entrapment during wave action. Overflow grates shall be securely fastened so they will not be dislodged by wave action.

(2) Overflow fittings need not be continuous, but they shall be spaced no more than 10 ft apart.

e. The combined hydraulic capacity of the overflow drain at zero depth and the gutter or overflow outlets shall be at least 125 percent of the recirculation flow rate.

f. The main drain system shall comply with the requirements of 15.5(10).

g. Openings or connections between the wave pool and the wave generation equipment shall be designed to prevent entrapment of users.

h. There shall be a continuous barrier along the full length of each side of a wave pool. The barrier shall be at least 42 inches high and installed no more than 3 ft from the side of the wave pool.

i. Emergency switches which will stop the wave action shall be provided in at least four locations on the deck of the wave pool. Switch locations shall be marked by signs or contrasting bright colors.

j. A wave pool shall be equipped with a float line with floats spaced no more than 5 ft apart. The float line shall be located at least 6 ft from the deep-end wall. Users shall not be permitted between the float line and the deep-end wall.

15.5(16) *Zero-depth swimming pools.* Zero-depth swimming pools shall comply with the applicable provisions of 15.5(1) through 15.5(13) and 15.5(21), except as modified below.

a. There shall be an overflow drain or weir across the full width of the zero-depth end of the swimming pool.

(1) The drain shall be covered with a grate designed to prevent entrapment. The grate shall be designed so that it is not removable without a tool.

(2) The drain and its associated piping shall be designed to convey at least 50 percent of the recirculation flow rate.

b. The deck above the overflow drain at the zero-depth end of the pool may slope to the overflow drain for a distance no greater than 15 ft. The deck slope shall be no greater than 1 ft vertical in 12 ft horizontal.

c. If a perimeter overflow gutter is provided, the gutter may be interrupted in the area where the water is less than 2 ft deep, provided that:

(1) The length of the perimeter overflow gutter and overflow drain shall be at least 60 percent of the total pool perimeter.

(2) The hydraulic capacity of the perimeter overflow gutter system combined with the overflow drain shall be at least 125 percent of the recirculation flow rate.

d. Recessed automatic surface skimmers may be used with the overflow drain at zero depth in accordance with 15.5(9)*"a."* The hydraulic capacity of the skimmer/drain system shall be at least 125 percent of the recirculation flow rate.

15.5(17) *Water slides.* Water slides shall comply with the applicable provisions of 15.5(1) through 15.5(13) and 15.5(21) and the following:

a. A water slide flume shall comply with the following:

(1) The flume is perpendicular to the plunge or swimming pool wall for at least 10 ft from the flume end.

(2) The flume is sloped no more than 1 ft vertical in 10 ft horizontal for at least 10 ft before the end of the flume.

(3) The flume terminates between 6 inches below and 2 inches above the design water level in the plunge pool or swimming pool.

(4) There is at least 5 ft between the side of the plunge pool or swimming pool and the side of the flume. Adjacent flumes are at least 10 ft apart on center.

(5) The inside surface of a flume is smooth and continuous.

(6) The flume is designed to ensure that users cannot be thrown out of the flume and to minimize user collisions with the sides of the flume.

(7) The flume has no sharp edges within reach of a user while the user is in the proper riding position.

(8) The flume path is designed to prevent users from becoming airborne while in the ride.

b. The landing area for a water slide flume shall comply with the following:

(1) The water depth is at least 3 ft and no more than 4 ft at the end of the flume and for at least 15 ft beyond the end of the flume.

(2) The landing area floor may slope up to a minimum of 2 ft water depth subject to 15.5(1)*"b"*(1). The slope is no greater than 1 ft vertical in 12 ft horizontal.

(3) There is at least 20 ft between the end of the flume and any barrier or steps.

(4) If the water slide flume ends in a swimming pool, the landing area is divided from the rest of the swimming pool by a float line.

c. A speed slide shall provide for the safe deceleration of the user. A run-out system or a special plunge pool entry system shall control the body position of the user relative to the slide to provide for a safe exit from the ride.

d. The deck around a water slide plunge pool shall be at least 4 ft wide, except on the side where the flume enters the pool. A walkway that is at least 4 ft wide and meets the requirements of a deck shall be provided between the plunge pool and the slide steps.

e. Alternate overflow systems. Intermittent fixed weir overflow structures may be used for a separate plunge pool if:

(1) Floor inlets are provided according to the requirements of 15.5(8)*"c."*

(2) The hydraulic capacity of the combined overflow structures and the appurtenant piping is at least 125 percent of the recirculation flow rate. The department may require more hydraulic capacity based on the specific design of the plunge pool system.

f. If a pump reservoir or surge tank is provided, it shall have a capacity of at least one minute of the combined recirculation and flume flow. Openings between the plunge pool and the pump reservoir or surge tank shall be designed and constructed in accordance with 15.5(10)*"a"* and *"b."*

g. If the water slide flume ends in a swimming pool, the water level shall not be lowered more than 1 inch when the flume pump(s) is operating.

h. If a fully submerged suction outlet is in a plunge pool or in a swimming pool, it shall be located away from normal water slide user traffic areas. The suction outlet system shall be designed in accordance with 15.5(10)*"b."*

i. The support structure for a water slide and for any access stairs or ramps shall be designed and constructed to withstand the anticipated structural loading, both static and dynamic forces.

j. A stairway providing access to the top of a water slide shall be at least 2 ft wide. Stair surfaces shall be slip-resistant and easily cleanable. The stairway shall comply with the applicable requirements of state and local building codes and Occupational Safety and Health Administration requirements.

15.5(18) *Multisection water recreation pools.* A multisection water recreation pool shall comply with the applicable provisions of 15.5(1) through 15.5(13) and 15.5(21) and the following:

a. The minimum recirculation flow rate for a multisection water recreation pool is determined by computing the recirculation flow rate for each section of the pool in accordance with 15.5(5)*"b"* and adding the flow rates together.

b. The treated water distribution system is designed to return treated water to the sections of the pool in proportion to the flow rates determined in 15.5(18)*"a."*

c. Each section of a multisection water recreation pool is separated from the other sections by a float line meeting the requirements of 15.5(13)*"f"*(4).

15.5(19) *Spray pads.* A spray pad shall comply with the applicable provisions of 15.5(1) through 15.5(13) and 15.5(21) and the following:

a. The surface of a spray pad is impervious and durable. Padding specifically designed for spray pads may be used with play features. The padding is water resistant or permits full drainage without retaining water in its structure. Walking surfaces are slip-resistant.

b. The spray pad surface slopes to drain at least 1/8 inch per ft but no more than 1/2 inch per ft. Deck or other areas outside the spray pad do not drain into the spray pad.

c. A spray pad is exempt from the following requirements: fencing (15.5(13)*"i"*), "No Lifeguard" sign (15.4(6)*"d"*), safety equipment (15.4(4)*"f"*), and depth marking (15.4(4)*"j"*). Unless the spray pad is supervised by facility staff, a sign is posted near the spray pad that addresses:

(1) No running on or around the spray pad.

(2) No rough play.

(3) No facility supervision. Parents are responsible for supervising their children.

Facility management may adopt and post other rules deemed necessary for user safety and the proper operation of the spray pad.

d. Spray pad drains are gravity outlets. At least two drains are provided, or a single drain that is unblockable is provided.

(1) The drain system and associated piping are designed for 125 percent of the flow into the spray pad (play feature and recirculation, as applicable).

(2) Each drain cover/grate is flush with the spray pad surface and has no opening wider than ½ inch.

(3) Each drain cover/grate is designed to be securely fastened to the spray pad so that the drain cover/grate is not removable without tools.

(4) Drain cover/grates that are exposed to foot traffic:

1. Have a slip-resistant surface; and

2. Support a 300-pound concentrated load, structural strength verified by documentation of test results from a testing agency or by certification by an engineer licensed in Iowa; and

3. If the drain cover is exposed to sunlight, be resistant to ultraviolet light (UV), with UV resistance verified by documentation of test results from a testing agency or by certification by an engineer licensed in Iowa.

e. Spray pads with independent treatment systems.

(1) The minimum volume of water for a spray pad is two minutes of the flow of the play features and the recirculation system combined.

(2) The water storage tank has a volume of at least 125 percent of the volume specified in 15.5(19)*"e"*(1). The tank is accessible for cleaning and inspection.

(3) The recirculation (treatment) system and the play feature pump and piping system are separate.

(4) The recirculation system inlet(s) and outlet(s) within the water storage tank are designed to ensure a uniform disinfectant concentration and pH level throughout the water volume of the spray pad.

(5) The play feature pump system is designed so that it will not operate if the recirculation system is not operating.

(6) There is a readily accessible sample tap in the equipment area that allows sampling of the water in the play feature piping.

f. Spray pads using water from an adjacent swimming pool or wading pool.

(1) If there is a suction outlet in the swimming pool or wading pool for the play feature pump(s), the outlet is designed as a main drain as specified in 15.5(10). Water velocity through the outlet cover is 1½ ft per second or less.

(2) If the adjacent pool has a volume of 10,000 gallons or less, or if the spray pad water is circulated directly from the swimming pool surge tank, the spray pad pump system is equipped for automatic supplemental disinfection in accordance with 15.5(11), except that the disinfection capacity is at least one-half of the capacity specified in 15.5(11)*"c"*; with filtration in accordance with 15.5(6); or both.

g. Play features and sprays are designed and installed so that they do not create a safety hazard.

(1) Surface sprays are flush with the spray pad surface. Spray openings have a diameter of ½ inch or less. Noncircular spray openings have a width of ½ inch or less.

(2) Aboveground features do not present a tripping hazard. Features have no sharp edges or points and no rough surfaces. Aboveground features are constructed of corrosion-resistant materials or provided with a corrosion-resistant coating. Accessible spray openings have a diameter of ½ inch or less. Noncircular accessible spray openings have a width of ½ inch or less.

15.5(20) *Leisure rivers.* A leisure river shall comply with the applicable requirements of 15.5(1) through 15.5(13) and 15.5(21) and the following:

a. The leisure river propulsion system and recirculation system are separate.

b. Intermittent fixed weir structures may be used for the overflow system. At least two separate fixed weir structures are used. The hydraulic capacity of the overflow system using fixed weir structures are at least 125 percent of the recirculation flow rate. Fixed weir structures are designed to prevent entrapment of leisure river users.

c. A deck as specified in 15.5(4) is not required in areas where users are not permitted. A leisure river and the area on the inside and outside perimeter of the leisure river is designed to ensure that lifeguard staff and emergency personnel can access any part of the leisure river quickly and to provide a sufficient hard surface area for emergency functions.

d. The depth of a leisure river is posted conspicuously at the entrance(s) to the leisure river in characters at least 3 inches high. The depth of the leisure river is marked on the side wall of the leisure river above the static water level at intervals not to exceed 50 ft on center. The depth of the leisure river is marked on the deck in the areas where users are permitted. The depth markers are within 3 ft of the edge of the leisure river at intervals not to exceed 25 ft on center.

e. "No Diving" characters or graphics are marked every 25 ft on center on the deck in deck areas where users are permitted.

f. At least one user egress point is provided for each 500 ft of leisure river length (measured at the centerline) or fraction thereof.

g. Outlets for the leisure river propulsion system are designed in accordance with 15.5(10)*"b."*

15.5(21) *Showers, dressing rooms, and sanitary facilities.* Swimming pool and spray pad showers, dressing rooms, and sanitary facilities shall meet the following criteria:

a. Facilities required. Bather preparation facilities are provided at each swimming pool or spray pad facility, except where the facility is intended to serve living units.

b. Swimming pool patron load. If a bathhouse is provided, the patron load for determining the minimum number of cleansing showers is:

(1) One individual per 15 ft^2 of water surface in shallow areas.

(2) One individual per 20 ft^2 of water surface in deep areas with the exclusion of 300 ft^2 of water surface for each diving board.

(3) For each swimming pool slide, 200 ft^2 is excluded, and for each water slide that terminates in the swimming pool, 300 ft^2 is excluded in determining the patron load.

c. Bathhouses.

(1) A bathhouse is designed and constructed to meet the requirements of the local building ordinance. If no local ordinance is in effect, the bathhouse is designed to meet the requirements of the state building code.

(2) Bathhouse floors have a slip-resistant finish and slope at least 1/8 inch/ft to drain. Except as provided in 15.5(19)*"c"*(3), floor coverings comply with the requirements of 15.5(4)*"c."*

(3) Olefin, or other approved carpeting, may be permitted in locker room or dressing room areas provided:

1. There is an adequate drip area between the carpeting and the shower room, toilet facilities, swimming pool, or other areas where water can accumulate.
2. Drip areas are constructed of materials as described in 15.5(4)*"b"* and *"c."*

(4) Bathhouse fixtures are provided in accordance with the state plumbing code, 641—Chapter 25, based on the Iowa building code occupancy type and design occupant load. In addition, cleansing showers are provided at a ratio of at least 1:50 based on the pool patron load as calculated by 15.5(21)*"b."*

(5) All indoor swimming pool areas, bathhouses, dressing rooms, shower rooms, and toilets are ventilated to control condensation and odors.

d. Showers and lavatories.

(1) Showers are supplied with water at a temperature of at least 90°F and no more than 110°F.

(2) Soap dispensers or bar soap trays are provided at each lavatory and in the showers. Glass soap dispensers are prohibited.

e. Hose bibs. At least one hose bib is installed within the bathhouse.

ADMINISTRATION

641—15.6(135I) Enforcement.

15.6(1) The department may inspect spray pads, swimming pools, and spas regulated by these rules and enforce these rules. A city, county or district board of health may inspect spray pads, swimming pools, and spas regulated by these rules and enforce these rules in accordance with agreements executed with the department pursuant to the authority of Iowa Code chapters 28E and 135I.

15.6(2) The inspection agency will take the following steps when enforcement of these rules is necessary.

a. Owner notification. As soon as possible after the violations are noted, the inspection agency will provide written notification to the owner of the facility that:

(1) Cites each section of the Iowa Code or Iowa Administrative Code violated.

(2) Specifies the manner in which the owner or operator failed to comply.

(3) Specifies the steps required for correcting the violation.

(4) Requests a corrective action plan, including a time schedule for completion of the plan.

(5) Sets a reasonable time limit, not to exceed 30 days from the receipt of the notice, within which the owner of the facility must respond.

b. Corrective action plan review. The inspection agency will review the corrective action plan and approve it or require that it be modified.

c. Failure to comply. When the owner of a spray pad, swimming pool, or spa fails to comply with conditions of the written notice, the inspection agency may take enforcement action in accordance with Iowa Code chapters 137 and 135I, or in accordance with local ordinances.

d. Adverse actions. The department may enforce Iowa Code chapter 135I and these rules pursuant to Iowa Code section 135I.6.

(1) A local inspection agency may request that the department withhold or revoke the registration of a spray pad, swimming pool, or spa, or issue an order to close a spray pad, swimming pool, or spa. The request shall be in writing, list the violations of Iowa Code chapter 135I and these rules, and provide a full accounting of the actions taken by the local inspection agency to enforce Iowa Code chapter 135I and these rules.

(2) Notice of the decision to withhold or revoke the registration for a spray pad, swimming pool, or spa or an order to close a spray pad, swimming pool, or spa will be delivered by restricted certified mail, return receipt requested, or by personal service. The notice will inform the owner of the right to appeal the decision and the appeal procedures. The local inspection agency and the county attorney in the county where the spray pad, swimming pool, or spa is located will be notified in writing of the decision or order.

15.6(3) An appeal of a decision to withhold or revoke a registration or of an order to close shall be requested, in writing, within 30 days of receipt or service of the department's notice. The request shall be sent to the department at the contact information provided in 481—Chapter 1 or as set forth in the department's notice. If such a request is timely made within the 30-day time period, a contested case proceeding will be initiated and held in accordance with Iowa Code chapter 17A and 481—Chapters 9 and 10.

641—15.7(135I) Waivers. A waiver from these rules may be granted only by the department pursuant to rule 481—Chapter 6.

641—15.8(135I) Penalties. Penalties are provided pursuant to the authority of Iowa Code section 135I.5.

641—15.9(135I) Registration.

15.9(1) *Registration.* No spray pad, swimming pool, spa, or swimming pool or spa water heater shall be operated in the state without being registered with the department. The owner of a spray pad, swimming pool, or spa or the owner's designated representative shall register the spray pad, swimming pool, spa, or swimming pool or spa water heater before the spray pad, swimming pool, or spa is first used and renew the registration annually on or before April 30. The initial registration and registration renewal shall be submitted on forms supplied by the department. The registration for a spray pad, swimming pool, or spa is valid from May 1 through the following April 30.

15.9(2) *Change in ownership.* Within 30 days of the change in ownership of a spray pad, swimming pool, or spa, the new owner shall furnish the department with the following information:

a. Name and registration number of the spray pad, swimming pool, or spa.

b. Name, address, and telephone number of new owner.

c. Date the change in ownership took place.

d. A nonrefundable fee of $20 per spray pad, swimming pool, or spa.

15.9(3) *Withholding registration.* The department may withhold or revoke the registration of a swimming pool or spa pursuant to 15.6(2)*"d"* if an owner or the owner's designated representative has violated a provision of Iowa Code chapter 135I or this chapter.

641—15.10(135I) Training courses.

15.10(1) A training course designed to fulfill the requirements of 641—15.11(135I) will be reviewed by the department.

15.10(2) At least 15 days prior to the course date, the course director shall submit at a minimum the following to the department:

a. A course outline with a list of instructors and guest speakers and their qualifications.

b. Date or dates the course is to be held.

c. Place the course is to be held.

d. Number of hours of instruction.

e. Course agenda.

15.10(3) The department will approve or disapprove the course of instruction in writing within ten business days of receipt of the information required in 15.10(2).

641—15.11(135I) Swimming pool/spa operator qualifications.

15.11(1) A person designated as a certified operator of a facility for compliance with 15.4(6)*"a"* and 15.51(5)*"a"* shall have successfully completed a CPO® certification course, an AFO certification

course, a PPSO certification course, or an LAFT certification course. A copy of a current, valid certificate for the certified operator shall be maintained in the pool or spa records.

15.11(2) A certified operator shall attend at least two hours of continuing education per year. Proof of continuing education shall be kept with certification records at the facility.

641—15.12(135I) Fees.

15.12(1) *Registration fees.* For each spray pad, swimming pool, or spa, the registration fee is $35. Registration fees are delinquent if not received by the department by April 30 or the first business day thereafter. The owner shall pay a $25 penalty for each month or fraction thereof that the fee is late for each swimming pool or spa that is required to be registered.

15.12(2) *Registration change fees.* For each spray pad, swimming pool, or spa, the fee for a change of ownership, change of facility name, or other change in registration is $20.

15.12(3) *Inspection fees.* The inspection agency will bill the owner of a facility upon completion of an inspection. Inspection fees are due upon receipt of a notice of payment due.

When the facility is located within the jurisdiction of a local inspection agency, the local inspection agency may establish fees needed to defray the costs of inspection and enforcement under this chapter. Inspection fees billed by a local inspection agency shall be paid to the local inspection agency or its designee.

a. Inspection fee schedule.

Table 5

Swimming Pools, Spray Pads, and Spas

Pool Type	Inspection Fee
Swimming pool, spray pad, or leisure river, surface area less than 1500 ft^2	$170
Swimming pool, spray pad, or leisure river, surface area 1500 ft^2 or greater	$270
Wave pool	$270
Water slide and plunge pool	$270
Spa	$170
Wading pool less than or equal to 500 ft^2	$50
Wading pool greater than 500 ft^2	$90
Residential swimming pool used for commercial purposes	$50

Table 6

Water Slides

	Inspection Fee
Each additional water slide into a plunge pool	$75
Water slide into a swimming pool	$175
Each additional water slide into a swimming pool	$75

b. Multipool facilities. If more than one pool (swimming pool, water slide, wave pool, wading pool, or spa) is located within a fenced compound or a building, the inspection fee for the pools in the fenced compound or building will be reduced by 10 percent. This reduction does not apply to the fees specified in Table 6.

c. Special inspection fee. When an inspection agency determines that a special inspection is required, the inspection agency may charge a special inspection fee that will be based on the actual cost of providing the inspection.

d. Penalty. Unpaid inspection fees will be considered delinquent 45 days after the date of the bill. A penalty of $30 per month or fraction thereof that the payment is delinquent will be assessed to the owner for each pool inspected.

15.12(4) *Plan review fees.*

a. New construction. A plan review fee as specified in Tables 7, 8, and 9 shall be submitted with a construction permit application for each body of water in a proposed facility. If two or more pools share a common recirculation system as specified in 15.5(5)*"a,"* the plan review fee shall be 25 percent less than the total plan review fee required by Tables 7, 8, and 9.

Table 7

Swimming Pools and Spray Pads

Swimming Pool or Spray Pad Area (ft^2)	Plan Review Fee
500 or less	$165
greater than 500 to less than 1000	$275
1000 to less than 2000	$385
2000 to less than 4000	$550*
4000 and greater	$825*

*This may include one water slide.

Table 8

Water Slides

Description	Plan Review Fee
Water slide and dedicated plunge pool	$550
Each additional water slide into a plunge pool or swimming pool	$165

Table 9

Spas

Spa Volume (gal)	Plan Review Fee
less than 500	$165
500 to 999	$275
1000 +	$385

b. Reconstruction. The plan review fee for reconstruction is $250 for each swimming pool, spray pad, spa, or bathhouse altered in the reconstruction.

c. Penalty for construction without a permit. Whenever any work for which a permit is required has been started before a permit is issued, the plan review fee will be 150 percent of the fee specified in 15.12(3)*"a"* or *"b."* The department may require that construction not done in accordance with the rules be corrected before a facility is used.

EXCEPTION: After receiving a construction permit application, the department may authorize construction on a project to start before issuance of a permit. The authorization will be in writing to the owner or the owner's authorized representative.

641—15.13(135I) 28E agreements. A city, county or district board of health may apply to the department for authority to inspect swimming pools and spas and enforce these rules.

15.13(1) Applications shall be made to the department.

15.13(2) Each application shall include, at a minimum:

a. A commitment that inspectors will meet the educational requirements of 641—15.11(135I).

b. A statement of the ability of the board of health to provide inspections of all spray pads, swimming pools, and spas within the contracted area.

c. A statement of the ability of the board of health to follow enforcement procedures contained in 15.6(2).

15.13(3) If the department approves the application, the 28E agreement will be perpetual, subject to the conditions set forth by both parties. The agreement will include the terms and conditions required by Iowa Code chapter 28E and any additional terms agreed to by the parties.

641—15.14(135I) Application denial or partial denial—appeal.

15.14(1) Denial or partial denial of an application will be done in accordance with the requirements of Iowa Code chapter 17A. Notice to the applicant of denial or partial denial will be served by restricted certified mail, return receipt requested, or by personal service.

15.14(2) Any request for appeal concerning denial or partial denial shall be submitted by the aggrieved party, in writing, to the department by certified mail, return receipt requested, within 30 days of the receipt of the department's notice. The address is Iowa Department of Inspections, Appeals and Licensing, Swimming Pool Program, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321. Prior to or at the hearing, the department may rescind the denial or partial denial. If no request for appeal is received within the 30-day time period, the department's notice of denial or partial denial becomes the department's final agency action.

641—15.15 to **15.50** Reserved.

SPAS

641—15.51(135I) Spa operations. A spa shall be operated in a safe, sanitary manner and meet the following operational standards.

15.51(1) *Filtration and recirculation.*

a. A spa shall have a filtration system in good working condition that provides water clarity in compliance with the water quality standards of 15.51(2) and meets the following criteria:

(1) Each filter cartridge is replaced with a new, unused, or cleaned and disinfected filter cartridge in accordance with the manufacturer's recommendations for pressure rise at the inlet of the filter, but at least once a month. If a functioning pressure gauge is not present at the filter inlet, the filter cartridge is replaced whenever the spa is drained and at least every two weeks. Filter cartridge replacements are recorded in the spa records.

(2) Each sand filter serving a spa is opened at least annually and the sand media examined for grease buildup, channeling and other deficiencies. The sand is cleaned and disinfected before the filter is put back into service. The annual inspection is recorded in the spa records.

(3) Each diatomaceous earth filter serving a spa is dismantled, and the filter socks and the interior of the filter are cleaned and disinfected at least annually. The annual cleaning is recorded in the spa records.

(4) The recirculation system has an operating pressure gauge located in front of the filter if it is a pressure filter system. A vacuum filter system has a vacuum gauge located between the filter and the pump.

b. The recirculation system for a spa shall treat one spa volume of water in 30 minutes or less.

c. Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the spa water recirculation system shall be operated continuously whenever the spa contains water, except for cleaning or servicing.

d. The recirculation system shall have inlets adequate in design, number, location, and spacing to ensure effective distribution of treated water and maintenance of uniform disinfectant residual throughout the spa.

e. A spa shall have at least one skimmer and meet the following criteria:

(1) Each skimmer has a self-adjusting weir in place and operational.

(2) Each skimmer has an easily removable basket or screen upstream from any valve.

f. Wastewater and backwash water from a spa shall be discharged through an air break or an air gap.

g. The water supplied to a spa shall be from a water supply meeting the requirements of the department of natural resources for drinking water and meet the following criteria:

(1) Water supplied to a spa is discharged to the spa system through an air gap or a reduced-pressure principle backflow device meeting AWWA C-511-97, "Reduced-Pressure Principle Backflow-Prevention Assembly."

(2) Each hose bib at a facility is equipped with an atmospheric vacuum breaker or a hose connection backflow preventer.

h. Spa water heaters shall meet the following criteria:

(1) Electric water heaters bear the seal of UL.

(2) Gas-fired water heaters are equipped with a pressure relief valve.

(3) Fuel-burning water heaters are vented to the outside, in accordance with the state plumbing code.

(4) Each indoor swimming pool equipment room with fuel-burning water heating equipment has one or more openings to the outside of the room for the provision of combustion air.

15.51(2) *Water quality and testing.*

a. Disinfection.

(1) Spa water shall have a free chlorine residual of at least 2.0 ppm and no greater than 8.0 ppm or a total bromine residual of at least 4.0 ppm and no greater than 18 ppm when the spa is open for use.

(2) A spa shall be closed if the free chlorine is measured to be less than 1.0 ppm or the total bromine is measured to be less than 2.0 ppm.

(3) The spa shall be closed if a free chlorine measurement exceeds 8.0 ppm or if the total bromine measurement exceeds 18 ppm.

(4) The spa water shall have an ORP of at least 700 mV, but no greater than 880 mV, and be closed if the ORP is less than 650 mV or greater than 880 mV.

(5) The spa shall be closed if the cyanuric acid concentration in the spa water exceeds 80 ppm. The spa may be reopened when the cyanuric acid concentration is 40 ppm or less.

(6) No cyanuric acid in any form shall be added to an indoor spa.

b. pH level. The pH of spa water shall be 7.2 to 7.8.

c. Water clarity. A spa shall be closed if the grate openings on drain fittings at or near the bottom of the spa are not clearly visible when the agitation system is off.

d. Bacteria detection.

(1) If coliform or *Pseudomonas aeruginosa* bacteria are detected in a sample taken in accordance with 15.51(2)*"e"*(8), the spa shall be drained, cleaned, and disinfected. The spa may reopen and a check sample shall be taken when the spa water meets the requirements of 15.51(2)*"a," "b"* and *"c."* If coliform or *Pseudomonas aeruginosa* bacteria are detected in the check sample, the spa shall be closed, drained, physically cleaned, and disinfected and the filter(s) cleaned and disinfected.

1. For cartridge filters, the cartridge shall be replaced with a new, unused cartridge or a cleaned, disinfected cartridge and the filter housing physically cleaned, then disinfected.

2. For sand and diatomaceous earth filters, the filter shall be opened and the media and components cleaned and disinfected.

The spa may reopen when no coliform or *Pseudomonas aeruginosa* bacteria are detected in a spa water sample taken when the spa water meets the requirements of 15.51(2)*"a," "b"* and *"c."*

(2) The facility management shall notify the local inspection agency of the positive bacteriological result within one business day after the facility management has become aware of the result.

e. Test frequency. The results of the tests required below shall be recorded in the spa records.

(1) The disinfectant residual in the spa water shall be tested or the ORP of the spa water checked each day before the spa is opened for use and at intervals not to exceed two hours thereafter until the spa closing time. For a spa at a condominium complex, an apartment building, a housing cooperative, or a homeowners association with 25 or fewer living units, the disinfectant level in the spa water shall be tested or the ORP of the spa water checked at least twice each day the spa is available for use.

The operator may make visual readings of ORP in lieu of manual testing, but the spa water shall be tested manually for disinfectant residual at least twice per day. Both ORP and disinfectant residual shall be recorded when manual testing is done. The operator shall specify in the spa records which results are from the manual tests.

(2) The pH of the spa water shall be tested each day before the spa is opened for use and at intervals not to exceed two hours thereafter until the spa closing time. For a spa at a condominium complex, an

apartment building, a housing cooperative, or a homeowners association with 25 or fewer living units, the pH of the spa water shall be tested at least twice each day the spa is available for use.

If the spa is equipped with an automatic controller with a readout or local printout of pH complying with the requirements of 15.51(2)*"f"*(5), the operator may make visual readings of pH in lieu of manual testing, but the spa water shall be tested manually for pH at least twice per day. The operator shall specify in the spa records which results are from the manual tests.

(3) The spa water temperature shall be measured whenever a manual test of the spa water is performed.

(4) If a chlorine compound is used for disinfection, the spa water shall be tested for combined chlorine at least once a day.

(5) If cyanuric acid or a stabilized chlorine is used in a spa, the spa water shall be tested for cyanuric acid at least once a day.

(6) At least once in each month that a spa is open for use, a sample of the spa water shall be submitted to a laboratory certified by the department of natural resources for the determination of coliform bacteria in drinking water and the sample analyzed for total coliform and *Pseudomonas aeruginosa*.

f. Test equipment. Each facility shall have functional water testing equipment for free chlorine and combined chlorine or total bromine, pH, total alkalinity, calcium hardness, and cyanuric acid (if cyanuric acid or a stabilized chlorine is used at the facility) that meets the following criteria:

(1) The test equipment provides for the direct measurement of free chlorine and combined chlorine from 0 to 10 ppm in increments of 0.2 ppm or less over the full range, or total bromine from 0 to 20 ppm in increments of 0.5 ppm or less over the full range.

(2) The test equipment provides for the measurement of spa water pH from 7.0 to 8.0 with at least five increments in that range.

(3) A controller readout used in lieu of manual disinfectant residual testing shall be a numerical analog or digital display with an ORP scale with a range of at least 600 to 900 mV with increments of 20 mV or less.

(4) A controller readout used in lieu of manual pH testing shall be a numerical analog or digital display with a range at least as required in 15.51(2)*"f"*(2) with increments of 0.2 or less over the full range.

g. Operator availability. A person knowledgeable in testing water and in operating the water treatment equipment shall be available whenever a spa is open for use.

15.51(3) *Disinfection systems and cleaning.*

a. Disinfectant system.

(1) Equipment for continuous feed of a chlorine or bromine compound to the spa water shall be provided and be operational. The equipment shall be adjustable in at least five increments over its feed capacity. Where applicable, the chemical feeder shall be listed by NSF or another listing agency for compliance with Standard 50.

(2) The disinfectant equipment shall be capable of providing at least 10 ppm of chlorine or bromine to the spa water based on the recirculation flow rate.

(3) Equipment and piping used to apply any chemicals to the water shall be of such size, design, and material that they may be cleaned. All material used for such equipment and piping shall be resistant to the action of chemicals to be used.

(4) The use of chlorine gas is prohibited.

b. Cleaning and superchlorination.

(1) A spa shall be clean.

(2) A spa containing 500 gal of water or less shall be drained, cleaned and refilled a minimum of once a week. A spa containing over 500 gal to 2,000 gal of water shall be drained, cleaned and refilled a minimum of one time every two weeks. A spa with a water volume greater than 2,000 gal shall be drained, cleaned and refilled a minimum of one time every three weeks.

(3) The inspection agency may require that a spa be drained, cleaned, and superchlorinated prior to further usage.

15.51(4) *Safety.*

a. Chemical safety. Spa chemical safety shall meet the following criteria:

(1) If chemicals are added to the spa over the top, the spa is not occupied for a period of at least 30 minutes. The operator tests the spa water as appropriate before allowing use of the spa. The chemical addition and the test results are recorded in the spa records.

(2) Spa chemicals are stored and handled in accordance with the manufacturer's recommendations.

(3) SDS for the chemicals used in the spa are at the facility in a location known and readily accessible to the facility staff.

(4) Chemical containers are clearly labeled.

(5) A chemical hazard warning sign is placed at the entrance of a room where chemicals are used or stored or where bulk containers are located.

b. Stairs, ladders, recessed steps, and ramps. Spa stairs, ladders, recessed steps, and ramps shall meet the following criteria:

(1) When the top rim of a spa is more than 24 inches above the surrounding floor area, stairs or a ramp are provided to the top of the spa.

(2) Stairs, ladders, ladder rungs, and ramps are slip-resistant.

(3) Where stairs and ramps are provided, they are equipped with a handrail.

(4) Ladders and handrails are constructed of corrosion-resistant materials or provided with corrosion-resistant coatings. They have no exposed sharp edges.

(5) Ladders, handrails and grabrails are securely anchored.

c. Water temperature. The spa shall be closed if the water temperature exceeds 104°F.

(1) A thermometer shall be available to measure temperatures in the range of 80° to 120°F.

(2) Water temperature controls shall be accessible only to the spa operator.

d. Emergency telephone. Each facility where lifeguards are not provided shall have a designated emergency telephone or equivalent communication system that can be operated without coins. The communication system shall be available to users of the spa whenever the spa is open. If the emergency communication system is not located within the spa enclosure, management shall post a sign(s) indicating the location of the emergency telephone. Instructions for emergency use of the telephone shall be posted near the telephone.

e. Water level. Water level shall be maintained at the skimming level.

f. Fully submerged outlets. Spas and fully submerged outlets shall meet the following criteria:

(1) Each fully submerged outlet is designed to prevent user entrapment. A spa is closed if the cover/grate of a fully submerged outlet is missing or broken.

(2) For a spa constructed prior to May 13, 1998, each pump that draws water directly from a fully submerged outlet is connected to two or more outlets or a single outlet with an area of at least 144 in^2.

(3) Each fully submerged outlet has a cover/grate that has been tested for compliance with the requirements of the ASME/ANSI standard by a testing agency or that is certified for compliance by an engineer licensed in Iowa.

1. The cover/grate for an outlet system with a single fully submerged outlet has a flow rating of at least 100 percent of the maximum system flow rate. The combined flow rating for the cover/grates for an outlet system with more than one fully submerged outlet is at least 200 percent of the maximum system flow rate.

The maximum system flow rate is the design flow rate for the pump(s) directly connected to the outlet(s) in an outlet system. In the absence of better information, the maximum system flow rate is the capacity of the pump(s) at 50 feet TDH, based on the manufacturer's published pump curves.

2. Fully submerged outlet cover/grates are not removable without the use of tools.

3. Purchase records and product information that demonstrate compliance are maintained by the facility for the life of the cover/grate. If a field fabricated cover/grate is certified for compliance to the ASME/ANSI standard by an engineer licensed in Iowa, a copy of the certification letter is kept at the facility for the life of the cover/grate.

(4) A spa with a single fully submerged outlet that is not unblockable and that is directly connected to a pump is closed if the outlet does not have a cover/grate that complies with the ASME/ANSI standard.

If a spa has two or more fully submerged outlets on a single surface that are all less than 3 ft apart on center, are not unblockable, and are directly connected to a pump, the spa is considered to have a single fully submerged outlet.

(5) A spa with a single fully submerged outlet that is not unblockable and that is directly connected to a pump is closed if the outlet system is not equipped with a safety vacuum release system that is listed for compliance with ASME/ANSI A112.19.17-2002 or ASTM F2387-04 (2012) by a listing agency.

1. Purchase records and product information that demonstrate compliance are maintained by the facility for at least five years from the time the SVRS is purchased or another approved system is installed.

2. An SVRS is installed in accordance with the manufacturer's instructions.

3. An SVRS is tested for proper function at the frequency recommended by the manufacturer, but at least once in each month the spa is operated. The date and result of each test are recorded.

(6) In lieu of compliance with 15.51(4)*"f"*(3), (4) and (5) above, a fully submerged outlet in a spa may be disabled with the approval of the department, except that an equalizer in a skimmer may be plugged without department approval if the management of the spa submits to the department information including but not necessarily limited to:

1. The area and volume of the spa;

2. Detailed information about the inlet system, including the location of the inlets and the type of inlet fitting;

3. The number of skimmers and pipe sizes;

4. Pump information and flow rates for the outlet system; and

5. Filter type, number of filters, the size of the filter(s), and whether multiple filters are backwashed together or separately.

If the department approves the application to disable the outlet, the outlet valve is closed and the valve secured by removing the handle, by locking the handle closed, or by another method approved by the department. The outlet may be physically disconnected from the pump system.

g. Spa walls and floor. Spa walls and floor shall be smooth and easily cleanable.

h. Decks. Spa decks shall meet the following criteria:

(1) The deck has a slip-resistant surface.

(2) The deck is clean and free of debris.

(3) A hose bib is provided for flushing or cleaning of the deck.

(4) Glass objects, other than eyeglasses and safety glass doors and partitions, are not permitted on the deck.

i. Projections or obstructions. There shall be no underwater or overhead projections or obstructions that would endanger user safety or interfere with proper spa operation.

j. Electrical. Spa electrical systems and components shall meet the following criteria:

(1) Each electrical outlet in the deck, shower room, and pool water treatment equipment areas is equipped with a properly installed GFCI at the outlet or at the breaker serving the outlet. Electrical outlets energized through an ORP/pH controller are not required to have a separate GFCI if the controller is equipped with a GFCI or is energized through a GFCI breaker. Ground fault circuit interrupter receptacles and breakers are tested at least once in each month the spa is operating. Test dates and results are recorded in the spa records.

(2) There are no outlets located on, or within 5 ft of, the inside wall of a spa.

(3) An air switch within reach of persons in the spa and its connecting tube are constructed of materials that do not conduct electricity.

(4) Lighting.

1. Artificial lighting is provided at all spas that are to be used at night or that do not have adequate natural lighting so all portions of the spa, including the bottom and main drain, may be readily seen.

2. Underwater lights and fixtures are designed for their intended use. When the underwater lights operate at more than 15 volts, the underwater light circuit is equipped with a GFCI. When underwater lights need to be repaired, the electricity is shut off until repairs are completed.

3. No electrical wiring extends over an outdoor spa.

k. Enclosure. Spa enclosure shall meet the following criteria:

(1) A spa is enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The spa enclosure is constructed of durable materials. A spa may be in the same room or enclosure as another spa or a swimming pool.

(2) A fence, wall, or other means of enclosure has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from outside the facility, or between the two lowest horizontal supports accessible from outside the facility, is at least 45 inches. A horizontal support is considered accessible if it is on the exterior of the fence relative to the spa or if the gap between the vertical members of the fence is greater than 1¾ inches.

(3) At least one gate or door with an opening of at least 36 inches in width is provided for emergency purposes. When closed, gates and doors comply with the requirements of 15.51(4)*"k"*(2) above. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the spa is open, gates and doors are self-closing and self-latching.

(4) If there are sleeping rooms, apartments, condominiums, or permanent recreation areas that are used by children and that open directly into the spa area, the spa is enclosed by a barrier at least 3 ft high. No opening in the barrier permits the passage of a 4-inch sphere. The barrier is not easily climbable by toddlers. There is at least one 36-inch-wide gate or door through the barrier. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the spa is open, gates and doors provided are self-closing and self-latching.

l. Agitation system control. The agitation system control shall be installed out of the reach of persons in the spa. The "on" cycle for the agitation system shall be no more than ten minutes.

15.51(5) *Management, notification, and records.*

a. Certified operator required. Each spa facility shall employ a certified operator. One certified operator may be responsible for a maximum of three facilities.

b. Spa rules sign. A "Spa Rules" sign shall be posted near the spa. The sign shall include the following stipulations:

(1) Persons with a medical condition, including pregnancy, should not use the spa without first consulting with a physician.

(2) Anyone having a contagious disease shall not use the spa.

(3) Persons shall not use the spa immediately following exercise or while under the influence of alcohol, narcotics, or other drugs.

(4) Persons shall not use the spa alone or without supervision.

(5) Children shall be accompanied by an adult.

(6) Persons shall not use the spa longer than ten minutes.

(7) No one shall dive or jump into the spa.

(8) The maximum patron load of the spa. (The maximum patron load of a spa is one individual per 2 lineal ft of inner edge of seat or bench.)

c. Spa depth. The maximum depth of a spa shall be posted at a conspicuous location near the spa in numerals or letters at least 3 inches high.

d. Glass prohibited. Glass objects other than eyeglasses, safety glass doors, and partitions shall not be permitted in a spa enclosure.

e. Operational records. The operator of a spa shall have the spa operational records for the previous 12 months at the facility and shall make these records available when requested by a swimming pool/spa inspector. These records shall contain a day-by-day account of spa operation, including:

(1) ORP and pH readings; results of pH, free chlorine or total bromine residual, cyanuric acid (if used), combined chlorine, total alkalinity, and calcium hardness tests; and any other chemical test results.

(2) Results of microbiological analyses.

(3) Water temperature measurements.
(4) Reports of complaints, accidents, injuries, or illnesses.
(5) Dates and quantities of chemical additions, including resupply of chemical feed systems.
(6) Dates when filters were backwashed or cleaned or a filter cartridge(s) was changed.
(7) Draining and cleaning of spa.
(8) Dates when ground fault circuit interrupter receptacles or circuit breakers were tested.
(9) Dates of review of material safety data sheets.
(10) If applicable, dates and results of tests of each SVRS installed at a facility.

f. Submission of records. An inspection agency may require facility management to submit copies of readings of ORP and pH, chemical test results and microbiological analyses to the inspection agency on a monthly basis. The inspection agency shall notify the facility management of this requirement in writing at least 15 days before the reports are to be submitted for the first time. The facility management shall submit the required reports to the inspection agency within ten days after the end of each month of operation.

g. Operations manual. A permanent manual for operation of a spa shall be at the facility and include instructions for routine operations at the spa, including but not necessarily limited to:

(1) Maintaining the chemical supply for the chemical feed systems.
(2) Filter backwash or cleaning.
(3) Water testing procedures, including the required frequency of testing.
(4) Procedures for draining, cleaning and refilling the spa, including chemical adjustments and controller adjustments.
(5) Controller sensor maintenance, where applicable.
(6) Superchlorination.

h. Schematic drawing. A schematic drawing of the spa recirculation system shall be posted in the swimming pool filter room or in the operations manual. Clear labeling of the spa piping with flow direction and water status (unfiltered, treated, backwash) may be substituted for the schematic drawing.

i. Safety data sheets. Copies of material SDS for the chemicals used at the spa shall be kept at the facility in a location known and readily accessible to facility staff with chemical-handling responsibilities. Each member of the facility staff with chemical-handling responsibilities shall review the SDS at least annually. The facility management shall retain records of the SDS reviews at the facility and shall make the records available upon request by a swimming pool inspector.

j. Emergency plans. A written emergency plan shall be provided. The plan shall include but not be limited to actions to be taken in cases of drowning, hyperthermia, serious illness or injury, chemical-handling accidents, weather emergencies, and other serious incidents. The emergency plan shall be reviewed with the facility staff at least once a year, and the dates of review or training shall be recorded. The written emergency plan shall be kept at the facility and shall be available to a swimming pool inspector upon request.

15.51(6) *Reports.* Spa operators shall report to the local inspection agency, within one working day of occurrence, all deaths; near drowning incidents; head, neck, and spinal cord injuries; and any injury that renders a person unconscious or requires immediate medical attention.

641—15.52(135I) Construction and reconstruction. A spa that is constructed or reconstructed shall comply with the following standards. Nothing in these rules is intended to exempt spas and associated structures from any applicable federal, state or local laws, rules or ordinances. Applicable requirements include but are not limited to handicapped access and energy requirements, fire and life safety requirements, the rules of the department of workforce development, and the rules of the department of natural resources.

15.52(1) *Construction permits.*

a. Permit required. No spa shall be constructed or reconstructed without the owner or a designated representative of the owner first receiving a permit from the department. Construction shall be completed within 24 months from the date the construction permit is issued unless a written extension is granted by the department.

b. Permit application. The owner of a proposed or existing spa or a designated representative of the owner shall apply for a construction permit on forms provided by the department.

c. Plan submission. Three sets of plans and specifications shall be submitted with the application. A nonrefundable plan review fee shall be remitted with the application for each spa as required in 15.12(4).

d. Exception. After receiving a construction permit application, the department may authorize construction on a project to start before issuance of a permit. The authorization will be in writing to the owner or the owner's authorized representative.

e. Notification of completion. The owner of a newly constructed or reconstructed facility or the owner's designated representative shall notify the department in writing at least 15 business days prior to opening the spa.

15.52(2) *Plans and specifications.*

a. Plan certification. Plans and specifications shall be sealed and certified in accordance with the rules of the engineering and land surveying examining board or the architectural examining board by an engineer or architect licensed to practice in Iowa.

(1) This requirement may be waived by the department if the project is the addition or replacement of a chemical feed system, including a disinfection system, or a simple replacement of a filter or pump or both.

(2) If the requirement for engineering plans is waived, the owner of the spa assumes full responsibility for ensuring that the construction or reconstruction complies with these rules and with any other applicable federal, state and local laws, rules, and ordinances.

b. Content of plans. Plans and specifications shall contain sufficient information to demonstrate to the department that the proposed spa will meet the requirements of this chapter. The information shall include but not be limited to:

(1) The name and address of the owner and the name, address, and telephone number of the architect or engineer responsible for the plans and specifications. If a contractor applies for a construction permit, the name, address and telephone number of the contractor shall be included.

(2) The location of the project by street address or other legal description.

(3) A site plan showing the spa in relation to buildings, streets, any swimming pool within the same general area, water and sewer service, gas service, and electrical service.

(4) Detailed scale drawings of the spa and its appurtenances, including a plan view and cross sections. The location of inlets, overflow system components, main drains, deck and deck drainage, the location and size of spa piping, and the spa steps and handrails shall be shown.

(5) A drawing(s) showing the location, plan, and elevation of filters, pumps, chemical feeders, ventilation devices, and heaters, and additional drawings or schematics showing operating levels, backflow preventers, valves, piping, flow meters, pressure gauges, thermometers, the make-up water connection, and the drainage system for the disposal of filter backwash water.

(6) Plan and elevation drawings of bathhouse facilities including dressing rooms; lockers; showers, toilets and other plumbing fixtures; water supply and drain and vent systems; gas service; water heating equipment; electrical fixtures; and ventilation systems, if provided.

(7) Complete technical specifications for the construction of the spa, for the spa equipment and for the spa appurtenances.

c. Deviation from plans. No deviation from the plans and specifications or conditions of approval shall be made without prior approval of the department.

15.52(3) *General design.*

a. A spa shall be constructed of materials that are inert, stable, nontoxic, watertight, and durable.

b. The maximum water depth for a general-use spa shall not exceed 4 ft measured from the overflow level of the spa. The maximum depth of any seat or sitting bench shall not exceed 2 ft measured from the overflow level. A special-use spa may be deeper than 4 ft with written approval from the department.

c. A spa shall be designed and constructed to withstand anticipated structural loading for both full and empty conditions.

d. A spa may be immediately adjacent to a swimming pool or maintain the minimum required deck width for a swimming pool. The distance shall be measured from the outside edge of a ladder support or handrail on the deck, a lifeguard stand, a swimming pool slide, or a similar obstruction.

e. The water supplied to a spa shall comply with 15.51(1)*"g."*

f. No part of a spa recirculation system may be directly connected to a sanitary sewer. An air break or an air gap shall be provided.

15.52(4) *Decks.* A spa shall have a deck around at least 50 percent of the spa perimeter. The deck shall be at least 4 ft wide and meet the following criteria:

a. Deck materials. The deck is constructed of stable, nontoxic, and durable materials.

b. Deck drainage. The deck drains away from the spa at a slope of at least 1/8 inch/ft, but no more than ½ inch/ft to deck drains or to the surrounding ground surface. The deck is constructed to eliminate standing water.

c. Deck surface. The deck is provided with a slip-resistant, durable, and cleanable surface.

d. Deck covering. A deck covering may be used provided that:

(1) The covering allows drainage so that the covering and the deck do not remain wet or retain moisture.

(2) The covering is inert and will not support bacterial growth.

(3) The covering provides a slip-resistant surface.

(4) The covering is durable and cleanable.

e. Steps or ramp required. When the top rim of a spa is more than 24 inches above the surrounding floor area, stairs or a ramp shall be provided to the top of the spa. Stairs or a ramp shall be designed in accordance with the state building code or the building code adopted by the jurisdiction in which the spa is located.

15.52(5) *Recirculation.*

a. Separate recirculation required. A spa shall have a recirculation system separate from another spa or any swimming pool.

b. Recirculation flow rate. The recirculation system shall be capable of processing one spa volume of water within 30 minutes. For spas with skimmers, the recirculation flow rate shall be at least 3.8 gpm per lineal inch of skimmer weir or the flow rate required above, whichever is greater.

c. Recirculation pump. The recirculation pump(s) shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50 and shall comply with the following requirements:

(1) The pump(s) supply the recirculation flow rate required by 15.52(5)*"b"* at a TDH of at least that given in "1," "2" or "3" below unless a lower TDH is shown by the designer to be hydraulically appropriate. A valve for regulating the rate of flow is provided in the recirculation pump discharge piping.

1. 40 feet for vacuum filters; or
2. 60 feet for pressure sand filters; or
3. 70 feet for pressure diatomaceous earth filters or cartridge filters.

(2) A separate pump or pumps is provided for the spa agitation system.

(3) For sand filter systems, the pump and filter system are designed so that each filter can be backwashed at a rate of at least 15 gpm/ft^2 of filter area.

(4) If a pump is located at an elevation higher than the spa water surface, it is self-priming or the piping is arranged to prevent the loss of pump prime when the pump is stopped.

(5) Where a vacuum filter is used, a vacuum limit control is provided on the pump suction line. The vacuum limit switch is set for a maximum vacuum of 18 in Hg.

(6) A compound vacuum-pressure gauge is installed on the pump suction line as close to the pump as practical. A vacuum gauge may be used for pumps with suction lift. A pressure gauge is installed on the pump discharge line as close to the pump as practical. Gauges are of such a size and located so that they may be easily read by the operator.

(7) On pressure filter systems, a hair and lint strainer is installed on the suction side of the recirculation pump. The hair and lint strainer basket is readily accessible for cleaning, changing, or

inspection. A spare strainer basket is provided. This requirement may be waived for systems using vertical turbine pumps or pumps designed for solids handling.

d. Water heaters. Spa water heaters shall meet the following criteria:

(1) A heating coil, pipe, or steam hose is not installed in a spa.

(2) Gas-fired spa water heaters comply with the requirements of ANSI/AGA Z21.56-2001, ANSI/AGA Z21.56a-2004, and ANSI/AGA Z21.26b-2004.

(3) Electric spa water heaters comply with the requirements of UL 1261 (2017) and bear the UL mark.

(4) A spa water heater with an input of greater than 400,000 BTU/hour (117 kilowatts) has a water heating vessel constructed in accordance with ASME Boiler Code, Section 8 (2007). The data plate of the heater bears the ASME mark.

(5) A thermometer is installed in the piping to measure the temperature of the water returning to the spa. The thermometer is located so that it may be read easily by an operator.

(6) Combustion air is provided for fuel-burning water heaters as required by the state plumbing code, 641—Chapter 25, or as required by local ordinance.

(7) Fuel-burning water heaters are vented as required by the state plumbing code, 641—Chapter 25, or as required by local ordinance.

(8) Fuel-burning water heaters are equipped with a pressure relief valve sized for the energy capacity of the heater.

e. Flow meters. Spa flow meters shall meet the following criteria:

(1) Each spa recirculation system is provided with a permanently installed flow meter to measure the recirculation flow rate.

(2) A flow meter is accurate within 5 percent of the actual flow rate between ±20 percent of the recirculation flow rate specified in 15.52(5)*"b"* or the nominal recirculation flow rate specified by the designer.

(3) A flow meter is installed on a straight length of pipe with sufficient clearance from valves, elbows or other sources of turbulence to attain the accuracy required by 15.52(5)*"e"*(2). The flow meter is installed so that it may be easily read by the facility staff, or a remote readout of the flow rate is installed where it may be easily read by the staff.

15.52(6) *Filtration.* A filter shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50 and comply with the following requirements:

a. Each pressure filter has a pressure gauge on the inlet side. Gauges are of such a size and located so that they may be read easily by the operator. A differential pressure gauge that gives the difference in pressure between the inlet and outlet of the filter may be used in place of a pressure gauge.

b. An air relief valve is provided for each pressure filter.

c. Backwash water from a pressure filter discharges through an observable free fall, or a sight glass is installed in the backwash discharge line.

d. Backwash water is discharged indirectly to a sanitary sewer.

e. Rapid sand filter.

(1) The filtration rate does not exceed 3 gpm/ft^2 of filter area.

(2) The backwash rate is at least 15 gpm/ft^2 of filter area.

f. High-rate sand filter.

(1) The filtration rate does not exceed 15 gpm/ft^2 of filter area.

(2) The backwash rate is at least 15 gpm/ft^2 of filter area.

(3) If more than one filter tank is served by a pump, the designer demonstrates that backwash flow rate to each filter tank meets the requirements of 15.52(6)*"f"*(2), or an isolation valve is installed at each filter tank to permit each filter to be backwashed individually.

g. Vacuum sand filter.

(1) The filtration rate does not exceed 15 gpm/ft^2 of filter area.

(2) The backwash rate is at least 15 gpm/ft^2 of filter area.

(3) An equalization screen is provided to evenly distribute the filter influent over the surface of the filter sand.

(4) Each filter system has an automatic air-purging cycle.

h. Sand filter media complies with the filter manufacturer's specifications.

i. Diatomaceous earth filters.

(1) The filtration rate is not greater than 1.5 gpm/ft^2 of effective filter area except that a maximum filtration rate of 2.0 gpm/ft^2 may be allowed where continuous body feed is provided.

(2) Diatomaceous earth filter systems have piping to allow recycling of the filter effluent during precoat.

(3) Waste diatomaceous earth is discharged to a sanitary sewer. The discharge may be subject to the requirements of the local waste water utility.

j. Cartridge filters.

(1) The filtration rate does not exceed 0.38 gpm/ft^2.

(2) A duplicate set of cartridges is provided.

15.52(7) *Piping.*

a. Piping standards. Spa piping shall conform to applicable nationally recognized standards and be specified for use within the limitations of the manufacturer's specifications. Spa piping shall comply with the applicable requirements of NSF/ANSI Standard 61 (2020), "Drinking Water System Components—Health Effects." Plastic pipe shall comply with the requirements of NSF/ANSI Standard 14 (2016b), "Plastic Piping Components and Related Materials," for potable water pipe.

b. Pipe sizing. Spa recirculation piping shall be sized so that water velocities do not exceed 6 ft/sec for suction flow and 10 ft/sec for pressure flow.

c. Skimmer pipe capacity. The piping for the skimmer system shall be designed to convey 100 percent of the recirculation flow rate.

d. Main drain pipe capacity. The main drain piping shall be designed to convey 100 percent of the recirculation flow rate. If the spa agitation system uses the same suction piping as the recirculation system, the piping shall be designed for the combined flow within the requirements of 15.52(7)*"b."*

e. Separate piping required. The piping from the spa agitation system pump to the spa shall be separate from the recirculation system piping.

15.52(8) *Inlets.* Spa inlets shall meet the following criteria:

a. Wall inlets are provided for a spa.

b. The inlets are adequate to ensure effective distribution of treated water and the maintenance of a uniform disinfectant residual throughout the spa. At least two recirculation inlets shall be provided.

(1) Inlets are located at least 6 inches below the design water surface.

(2) Inlets are directional flow-type inlets. Each inlet has a fitting with an opening of 1 inch diameter or less.

c. Each agitation system opening has a fitting with an opening of 1 inch diameter or less.

15.52(9) *Skimmers.* A recessed automatic surface skimmer shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50, except that an equalizer is not required for a skimmer installed in a spa equipped with an automatic water level maintenance device. Spa skimmers shall meet the following criteria:

a. A spa has at least one skimmer for each 100 ft^2 of surface area or fraction thereof.

b. Each skimmer is designed for a flow-through rate of at least 3.8 gpm per lineal inch of weir. The combined capacity of all skimmers in a spa is not less than the total recirculation rate.

c. Skimmers have weirs that adjust automatically to variations in water level of at least 4 inches.

d. Skimmers are equipped with a device to control flow through the skimmer.

e. If a spa is not equipped with an automatic water level maintenance device, each skimmer has an operational equalizer. The equalizer opening in the spa is covered with a fitting listed by a listing agency as meeting the requirements of the ASME/ANSI standard.

f. The skimmer(s) is or are not connected to the agitation system.

15.52(10) *Main drain system.* Each spa shall have a convenient means of draining the water from the spa for service. Spa main drains may be on the sidewall of a spa near the spa bottom.

a. If a spa pump is directly connected to a main drain or another fully submerged outlet, the pump shall be connected to two or more fully submerged outlets or to a single fully submerged outlet that is unblockable. The recirculation system and the agitation system may use the same fully submerged outlet(s).

(1) Two fully submerged outlets that are directly connected to one or more pumps in the same outlet system shall be at least 3 ft apart on center or on different spa surfaces. If three or more fully submerged outlets that are all directly connected to one or more pumps in the same outlet system are installed, the distance between the outlets farthest apart shall be at least 3 ft on center or the outlets shall be installed on different spa surfaces.

(2) If there is only one fully submerged outlet in an outlet system, the flow rating of the outlet cover/grate, sump and the associated piping shall be at least 100 percent of the maximum system flow rate. If two or more fully submerged outlets are installed in an outlet system, the combined flow rating of the cover/grates, the sumps and the associated piping shall be at least 200 percent of the maximum system flow rate. Multiple outlets in an outlet system shall be plumbed in parallel.

The maximum system flow rate for the recirculation system is the flow rate specified in 15.52(5)*"b"* or the design flow rate, whichever is greater. The maximum system flow rate for the agitation system is the specified design flow rate. If a flow rate is not specified, the maximum system flow rate shall be the flow capacity of the pump(s) at 50 feet TDH, based on the manufacturer's published pump curves.

b. If a main drain is connected to the recirculation system, there shall be a control valve to adjust the flow between the main drain and the overflow system.

c. Each main drain or other fully submerged outlet shall be covered with a cover/grate that is listed as complying with the requirements of the ASME/ANSI standard by a listing agency. A listed cover/grate shall be used in accordance with its listing.

(1) The flow rating for the cover/grate(s) shall comply with 15.52(10)*"a"*(2).

(2) The mark of a listing agency shall be permanently marked on the top surface of each manufactured cover/grate.

(3) Field fabricated cover/grates shall be certified for compliance to the ASME/ANSI standard by a professional engineer licensed in Iowa. A certificate of compliance shall be provided to the spa owner and to the department.

(4) The fully submerged outlet cover/grate shall be designed to be securely fastened to the spa so that the cover/grate is not removable without tools.

d. For outlet systems with manufactured sumps, the sumps shall be listed by a listing agency for compliance with the ASME/ANSI standard. Field fabricated sumps shall be designed in accordance with the ASME/ANSI standard and be certified by an engineer licensed in Iowa.

15.52(11) *Disinfection and pH control.*

a. A spa recirculation system shall be equipped with an automatic controller for maintenance of the disinfectant level and pH in the spa water. The control output of the controller to the chemical feed systems shall be based on the continuous measurement of the ORP and the pH of the water in the spa recirculation system.

b. No disinfection system designed to use di-chlor or tri-chlor shall be installed for an indoor spa.

c. A continuous feed disinfectant system shall be provided. The disinfectant feed system shall have the capacity to supply at least 10 mg/L chlorine or bromine based on the recirculation flow rate required in 15.52(5)*"b."*

d. A disinfectant feeder shall be listed by NSF or by another listing agency as complying with the requirements of Standard 50.

e. Gas chlorine shall not be used as a disinfectant for a spa.

f. Where a metering pump is used to feed a solution of disinfectant, the disinfectant solution container shall have a capacity of at least one day's supply at the rate specified in 15.52(11)*"c."*

g. The storage capacity of an erosion feeder shall be at least one day's supply of disinfectant at the rate specified in 15.52(11)*"c."*

h. Each spa shall have a metering pump for the addition of a pH control chemical to the spa recirculation system or a CO_2 gas feed system. A metering pump shall be listed by NSF or another listing agency as complying with the requirements of Standard 50.

i. The chemical feed systems shall be designed so that chemical feed is automatically and positively stopped when the recirculation flow is interrupted.

15.52(12) *Safety.*

a. Spa entry. A spa shall have at least one stairway, ramp, ladder, or set of recessed steps designating a point of entry and exit for every 50 ft of perimeter or fraction thereof.

(1) Stair steps leading into a spa shall be at least 12 inches wide, the tread depth shall be no less than 10 inches, and the riser height shall be no more than 12 inches. If a bench or seat is used as a part of the stair, the first riser height from the bottom of the spa to the seat or bench shall be no more than 14 inches. Except for the first riser, the riser height shall be uniform.

1. Stair steps shall be provided with a slip-resistant surface.

2. The stair steps shall be provided with two handrails or grab rails, one on each side of the steps.

(2) Ladders.

1. Ladders shall be provided with a handrail that extends from below the water surface to the top surface of the deck on each side of the ladder.

2. Ladders shall be of a color contrasting with the spa walls.

(3) Recessed steps.

1. Recessed steps shall have a tread depth of at least 5 inches, a tread width of at least 12 inches, and a uniform rise of no more than 12 inches.

2. Recessed steps shall be provided with a handrail or with deck-level grab rails on each side of the recessed steps.

3. Recessed steps shall drain to the spa.

(4) Ladders, handrails and grab rails.

1. Ladders, handrails, and grab rails shall be designed to be securely anchored and so that tools are required for their removal.

2. Ladders, handrails, and grab rails shall be of corrosion-resistant materials or provided with corrosion-resistant coatings. They shall have no exposed sharp edges.

b. Agitation system control. The agitation system start control shall be installed out of the reach of persons in the spa. The "on" cycle for the agitation system shall be no more than ten minutes.

c. Electrical. New construction or reconstruction shall meet the requirements of the state electrical code, 661—Chapter 550, including Article 680 of the adopted National Electrical Code.

d. Lighting. Artificial lighting shall be provided at indoor spas and at outdoor spas that are to be used after sunset, in accordance with the following:

(1) Underwater lighting of at least 60 lamp lumens/ft^2 or 0.5 watts/ft^2 of water surface area and area lighting of at least 10 lumens/ft^2 or 0.6 watts/ft^2 of deck area.

(2) If underwater lights are not provided, overhead lighting of at least 30 lumens/ft^2 or 2.0 watts/ft^2 of spa water surface area shall be provided.

e. Spa enclosure. Spa enclosure shall meet the following criteria:

(1) A spa is enclosed by a fence, wall, building, or combination thereof not less than 4 ft high. The spa enclosure is constructed of durable materials. A spa may be in the same room or enclosure as another spa or a swimming pool.

(2) A fence, wall, or other means of enclosure has no openings that would allow the passage of a 4-inch sphere and is not easily climbable by toddlers. The distance between the ground and the top of the lowest horizontal support accessible from the outside of the facility, or between the two lowest horizontal supports accessible from outside the facility, is at least 45 inches. A horizontal support is considered accessible if it is on the exterior of the fence relative to the spa, or if the gap between the vertical members of the fence is greater than 1¾ inches.

(3) At least one gate or door with an opening of at least 36 inches in width is provided for emergency purposes. When closed, gates and doors comply with the requirements of 15.52(12)*"e"*(2).

Gates and doors are lockable. Except where lifeguard or structured program supervision is provided whenever the spa is open, gates and doors are self-closing and self-latching.

(4) For indoor spas, if there are sleeping rooms, apartments, condominiums, or permanent recreation areas used by children that open directly into the spa area, the spa is enclosed by a barrier at least 3 ft high. No opening in the barrier permits the passage of a 4-inch sphere. There is at least one 36-inch-wide gate or door through the barrier. Gates and doors are lockable. Except where lifeguard supervision is provided whenever the spa is open, gates or doors are self-closing and self-latching.

These rules are intended to implement Iowa Code chapter 135I.

ARC 9050C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to factory-built structures and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 16, "State Building Code—Factory-Built Structures," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 103A.7 and 103A.9.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 103A.

Purpose and Summary

This proposed rulemaking repromulgates Chapter 16 and implements Iowa Code chapter 103A in accordance with the goals and directives of Executive Order 10. Iowa Code section 103A.7(1) empowers the State Building Code Commissioner to formulate, adopt, and periodically amend or revise and to promulgate, in conformity with and subject to the conditions set forth in Iowa Code chapter 103A, reasonable rules designed to establish minimum safeguards in the erection and construction of buildings and structures, to protect the human beings who live and work in them from fire and other hazards, and to establish regulations to further protect the health, safety, and welfare of the public. Pursuant to Iowa Code section 103A.7(2)"c," the rules shall include reasonable provisions for the manufacture and installation of factory-built structures. Iowa Code section 103A.9 states that the state building code shall contain provisions relating to the manufacture and installation of factory-built structures.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 29, 2025

No members of the public attended the public hearing, and no written or oral comments were received in response to the Regulatory Analysis. A public meeting of the Iowa Building Code Advisory Council was held on January 23, 2025, and the Council generally expressed approval of this rulemaking, contingent on further review prior to final approval by the Council.

A couple defined terms that were added to these rules in the Regulatory Analysis have been removed because the Department subsequently determined the definitions were not necessary or desirable. Additional clarifying and grammatical changes have been made since publication of the Regulatory Analysis.

Fiscal Impact

This rulemaking has no fiscal impact in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on April 23, 2025. Comments should be directed to:

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 10 to 10:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa
April 23, 2025 2:30 to 3 p.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa

Virtual participation information will be made available on the Department's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 16 and adopt the following **new** chapter in lieu thereof:

CHAPTER 16
STATE BUILDING CODE—FACTORY-BUILT STRUCTURES

661—16.1 to **16.609** Reserved.

PART 1—MODULAR FACTORY-BUILT STRUCTURES

661—16.610(103A) "Modular factory-built structures." Part 1 of this chapter contains the rules and regulations applicable to all factory-built structures that are not specifically included in Part 2.

16.610(1) *Authority to promulgate rules.* Provisions contained within all of Part 1 are authorized under Iowa Code section 103A.9.

16.610(2) *Scope and applicability.* The provisions contained within Part 1 apply to the following:

a. Plan evaluation, manufacture, inspection, and installation of "modular factory-built structures," of closed-type construction and of open-type construction for those manufacturers who have by option chosen to have their building component, assembly or system considered to be closed construction.

b. Approval by the commissioner or the commissioner's designated representative of an organization or person referred to as a third-party agent, or independent inspection agency.

c. All "modular factory-built structures" manufactured for installation in Iowa after February 1, 1973.

16.610(3) *Definitions.* The definitions set forth in Iowa Code sections 103A.3 and 103A.51 and rule 661—301.2(103A) are incorporated herein by reference. The following definitions also apply:

"Certificate of compliance." A certification that is filed with the commissioner that indicates that the third-party agency has approved specific models or model groups of factory-built structures as meeting the state building code. (More information contained in paragraph 16.610(14)*"d"* and subrule 16.610(17).)

"Closed construction." Any structure, building, component, assembly or system manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

"Code compliance certificate." The certificate prepared by an approved manufacturer and submitted by the manufacturer for each unit that is to be installed in Iowa and includes an Installation Certificate. (More information contained in subrules 16.610(19) and 16.610(20).)

"Commercial modular." A modular factory-built structure that is not a modular home.

"Component." Any part, material or appliance that is built in as an integral part of the factory-built structure during the manufacturing process, or any factory-built system, subsystem or assembly not approved as part of a unit, section, or module.

"Evaluation or inspection agency." An approved person or organization, private or public, determined by the commissioner to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to investigate, evaluate and approve factory-built structures or buildings, building components, building systems, and compliance assurance programs.

"Factory-built structure." Any structure, building, component, assembly or system that is of closed construction and that is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means "factory-built unit."

"Independence of judgment" means not being affiliated with or influenced by or controlled by building manufacturers or producers, suppliers, or vendors of products or equipment used in factory-built structures or buildings and building components in any manner that is likely to affect their capacity to tender reports and findings objectively and without bias.

"Manufacturer's bill of sale." Any document, certificate, sales receipt, etc., signed by the manufacturer or importer that the modular factory-built structure described has been transferred to the person or dealer named. The document shall have attached a copy of the 3A section of the Code Compliance Certificate or shall contain at least the make, model year, manufacturer's serial number, Iowa model approval number and the code compliance seal number of the unit.

"Model or model groups." One or more manufacturer-designed modular homes that can constitute one model group.

"Modular." A general term to describe factory-built structures that are not manufactured homes or manufactured home add-on units. Modular includes but is not limited to panelized units, components, sections and modules.

"Module." A unit or a section that is assembled in its final form and transported in such a manner.

"Open construction." Any structure, building, component, assembly or system manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

"Residential modular" or *"modular home."* Modular factory-built structure used as a one- or two-family dwelling.

"Seal" or *"insignia."* A device or insignia issued to the manufacturer by the commissioner for affixing to a factory-built structure or system evidencing compliance with the code.

"Section." A division of a factory-built structure that must be combined with other sections to form a complete structure.

"Temporary field construction office." A factory-built structure used at a construction site as an office facility by the personnel engaged in the construction of another structure or project. The intent of this structure is to remain on the job site only as long as necessary during the construction and then be removed before construction is completed.

"Testing agency." An organization approved by the commissioner that:

1. Is qualified and equipped for the testing, observation, evaluation, or approval of building components, construction, materials, equipment, or systems as regulated by approved standards;
2. Is not under the jurisdiction, affiliation, influence, or control of any manufacturer or supplier of any industry;
3. Makes available a published report in which specific information is included certifying that the equipment and installations listed or labeled have been tested and found acceptable according to approved standards.

"Third-party agency." An approved person or organization, private or public, determined by the state building code commissioner to be qualified to act as an evaluation, inspection, testing, or listing agency, as defined in this section.

"Unit." A single factory-built structure approved by the state building code commissioner. Units may be combined to form a larger complex structure or may be a combination of sections.

16.610(4) *Administration.* This section covers the basic requirements for constructing modular structures and all of the administrative procedures under which the modular program functions including methods of certification approval and manufacturing requirements, inspection and installation.

16.610(5) *Modular construction requirements.* All modular factory-built structures shall be constructed in accordance with the following provisions in 661—Chapter 301, as applicable: rules 661—301.3(103A), 661—301.4(103A), 661—301.5(103A), 661—301.6(103A), and 661—301.8(103A); Part 2; and Part 3.

16.610(6) *Modular installation requirements.* All modular factory-built structures shall be installed according to the manufacturer's approved installation drawings and any additional state-approved requirements. All approvals shall be part of the third-party certification agency approval for their respective manufacturer. All installations shall comply with local building codes for items not included as part of the state approval and local zoning requirements whenever applicable.

Modular installation seals shall be obtained and attached upon completion and the installation certificate completed and filed pursuant to subrule 16.610(20).

16.610(7) *Procedures for approval.* Approval procedures shall meet the following criteria:

The manufacturer contracts with third-party agencies for third-party approvals and notifies the commissioner of the intent to manufacture units to be installed in Iowa and the name of the third party or parties to be used.

The third-party agency notifies the commissioner that it has entered into a contract to perform services with the manufacturer.

Third-party approvals are required for plan and design approval, plant facilities approval and a continuing inspection of units during manufacture.

The manufacturers submit plans to the third-party agency or agencies for review and approval. After the plans, the plant facilities, and an inspection procedure have been approved by the third-party agency, the manufacturer submits a compliance certificate on the form supplied by the commissioner for each model or model group. The commissioner will assign an Iowa approval number for those models included in the approval.

At the time of production of units for installation in Iowa the manufacturer obtains from the commissioner Iowa insignia seals for manufacture and installation, to be attached to the units at the time of manufacture and installation, as well as code compliance and installation certificates.

16.610(8) *Requirements and procedures for obtaining third-party agency approval.*

a. The commissioner or the commissioner's designated representative will be responsible for approving any person, state or organization who applies to the commissioner for approval and whose application is accompanied by written material evidencing that said agency is:

(1) Capable of discharging without bias the responsibilities assigned by these regulations.

(2) Not under the jurisdiction or control of any manufacturer or supplier of any industry.

(3) Professionally competent with independence of judgment to perform the function for which commissioned.

(4) Qualified to submit all findings regarding code compliance in a detailed report to the commissioner.

(5) Willing to be inspected and reviewed by the commissioner for all phases of work.

b. The commissioner may limit the agencies' approval to particular types of factory-built structures, buildings, building systems, components, assemblies or systems.

c. Other states wishing to exercise application with this state in order to act in the capacity of an approved third-party agency, may do so provided that:

(1) The state laws for issuing seals or insignia for code compliance are substantially similar to those specified in this code.

(2) The conditions in subparagraph 16.610(8)*"c"*(1) are enforced in their state.

(3) Other states agree to monitoring of this reciprocal agreement by representatives of this state assigned by the commissioner.

(4) Violations of any condition as part of the reciprocal agreement may be deemed just cause for revocation or suspension of this agreement by the commissioner.

16.610(9) *Third-party agency responsibilities.* Third-party approval agencies shall satisfy the following criteria:

a. Evidence of approval by the state are on file at each manufacturing facility.

b. Notification to the commissioner when they have contracted with a manufacturer to serve as their third-party agency.

c. Manufacturer plans and specifications are approved by the third-party agency.

d. File of all plans and documents are maintained at each manufacturing facility and in the third-party agency office.

e. Send a report to the commissioner stating that the plans and specifications comply with the Iowa state building code.

(1) Plans and specifications are not necessary for submittal with this report.

(2) A list of approved models for each manufacturing facility.

(3) Verify that all engineering documents have been signed by a registered engineer or architect.

(4) Update the report as necessary.

(5) Indicate approval of installation procedures for all of these structures as well as the personnel who will be doing the installation. Installation of factory-built structures comply, in addition to provisions of this code, with any local ordinances that apply. (That is, those construction processes that are not included as part of the state approval.)

f. Notify the manufacturer of plans and specifications approval including model numbers for use in preparing certificates of compliance.

g. Inspect manufacturing facilities and review or establish a quality control program and test procedure.

h. Notify the manufacturer of facilities approval for use in preparing certificates of compliance.

i. Prepare an inspection manual to be used by the third-party inspectors and the commissioner, maintained on file at each manufacturing facility.

j. Report to the state outlining in-plant procedures and include a typical inspection checkoff sheet.

k. Notify the manufacturer when in-plant inspection program is in force for use in preparing certificates of compliance.

l. Report each quarter to the state for each manufacturer and submit information as follows:

(1) Account for all Iowa seals used by each manufacturer during the quarter.

(2) Manufacturer's serial number and model number.

(3) Third-party seal number.

(4) Iowa seal number.

(5) The portion of the unit that was actually inspected during an in-plant inspection.

16.610(10) *Third-party agency documentation and plan verification.* The third-party agency is responsible for the investigation, evaluation, review of test results, of plans and documents, and each revision thereto submitted to the agency by the manufacturer with which it has a contract for compliance with applicable requirements set forth in this code. Such a review shall include but not be limited to:

a. All documentations and plans indicate the manufacturer's name, office address, and manufacturing facility address.

b. Manufacturer's plans show all elements relating to specific systems on drawings properly identifiable.

c. Each plan that contains material requiring engineering evaluation bears the signature and seal of a registered architect or engineer.

d. The plans indicate the method of evaluation and inspection for all required on-site testing of each system.

e. Plans designate all work to be performed on site, including all system connections, equipment and appliances and all work performed within the plant.

f. Space is provided on all sheets of plans near the title box for the approved stamp.

g. Individual system design or any structural design or method of construction and data complies with the Iowa state building code. Plumbing, electrical, heating and mechanical systems constitute individual system designs.

h. Grade, quality, and identification of all materials are specified.

i. Design calculations and test reports are submitted when specified or required.

j. Plans are drawn to scale.

k. Plans indicate the location of the approved seal and data plate locations.

l. Copies of approved plans showing third-party agency approval are on file at each manufacturing facility or made readily available.

m. Review and approval of all installation procedures conforms to the following:

(1) Crews performing installation that are under the jurisdiction of the unit manufacturer or the manufacturer's designee are approved as competent by the authorized third-party agency.

(2) Copies of the installation manual are available during installation for use by the commissioner or the commissioner's representative or by the local building official.

16.610(11) *Third-party agency plant investigation for quality control.* All manufacturing facilities shall be inspected to the performance objectives as stated in the Iowa state building code. These include as follows:

a. Review of the manufacturer's quality control manuals or establishing a quality control procedure to ensure code compliance.

b. Implementation of inspection and test procedures that will control the quality of fabrication and workmanship.

c. Making a complete report to the commissioner that includes certification of all manufacturing procedures.

16.610(12) *Third-party agency in-plant inspections.* To ensure compliance with the approved specifications and plans and the Iowa state building code and in conjunction with monitoring each manufacturer's quality control program, every approved third-party agency shall:

a. Maintain a record of inspections, with such records including the seal report and reported to the commissioner every quarter.

b. Witness and verify all required testing in accordance with the quality control manual.

c. Certify that all seals are being attached as required and only after each unit meets the code requirements.

d. Prepare a detailed inspection manual that specifies the third-party agency procedures in making the required inspections, which will be available for use by the commissioner or the commissioner's representative when periodic monitoring is performed.

e. Inspect some part of every unit, although 100 percent inspection is not necessary. A complete inspection of a typical structural, plumbing, heating and electrical system shall be made each visit to the manufacturing facility.

16.610(13) *Reapproval of third-party agencies.* Any agency approved by the commissioner or the commissioner's designated representative must file for reapproval annually. Such application for reapproval may be filed at any time from the forty-fifth day prior to the scheduled annual expiration date of the current approval. The applying third-party agency seeking reapproval shall completely and accurately update all information previously submitted to the commissioner or the commissioner's representative as part of its original application for approval and all subsequent applications for reapproval. The application for reapproval will become a permanent record of the department administering the provisions of the code. Should there be no change in the status of the applying agency from its original application, an affidavit to that effect will suffice for consideration of approval.

16.610(14) *Requirements and procedures for modular manufacturers.* Every modular manufacturer shall perform or meet the following:

a. Be responsible for all corrective actions required. The contractual agreement that each has with the approved third-party agency does not diminish this responsibility.

b. Notify the commissioner that the manufacturer's facility desires to construct units that are to be installed in the state of Iowa.

c. Contract with an approved third-party agency to perform all duties listed in subrules 16.610(9), 16.610(10), 16.610(11), and 16.610(12). The commissioner will furnish a list of approved third-party agencies upon request.

d. File certificates of compliance with the commissioner for each model or model group after all third-party reviews are completed; whenever additional models or changes are proposed, file additional certificates of compliance or request that additions be made to existing model lists.

e. Purchase Iowa seals from the office of the commissioner in accordance with requirements of subrule 16.610(22).

f. All units or sections have seals if manufactured after February 1, 1973, and if they are to be installed in Iowa. Regardless of manufactured date, all units being installed in Iowa for the first time have a seal attached.

g. Complete and furnish compliance certificates and installation certificates in accordance with the requirements of subrules 16.610(19) and 16.610(20).

16.610(15) *Manufacturer's data plate for modular units.* The following information shall be placed directly or by reference on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel box or in some other designated location that is readily accessible for inspection.

a. Manufacturer's name and address.

b. Serial number of the structure or unit.

c. Model designation and name of each of the manufacturers of major factory-installed appliances.

d. Wherever applicable, identification of permissible type of gas for appliance and direction for water and drain connections.

e. Name and date of the standards complied with in construction of this structure or unit.

f. The seal serial number.

g. Design loads and special conditions or limitations.

h. Date of manufacture.

i. Electrical ratings. Instructions and warnings on voltage, phase size and connections of units and grounding requirements.

16.610(16) *Changes and alterations to factory-built structures.*

a. Changes to approved plans, drawings or installation instructions proposed by the manufacturer or third-party agency are to be requested in writing and submitted to the commissioner. All work being performed in the manufacturing plant that is affected by these changes will not proceed until written approval is received from the commissioner. Where these changes do not affect code compliance, then approval is permitted when changes are authorized through the third-party agency and said changes are then incorporated into the design documents.

b. The commissioner will notify the manufacturer and the third-party agency of all amendments, deletions or additions to the code provisions and the commissioner will allow the manufacturer a reasonable time frame in which to submit a request for a change in plan approval, if required, in order to conform to the code change.

c. Basic changes in manufacturing facility locations, company name or address changes, and changes resulting in companies changing ownership or dissolving their business are all to be reported promptly to the commissioner and the third-party agency, in writing, generally within a two-week period after said change was made.

d. Alterations to factory-built structures pursuant to the construction, plumbing, heat producing, electrical equipment or installation or fire safety in a unit after an Iowa seal has been affixed are all considered to be subject to the same requirements that exist for any structure within the local jurisdiction.

e. The following do not constitute an alteration to a factory-built structure.

(1) Any repairs to approved component parts.

(2) Conversion of listed fuel-burning appliances in accordance with the terms of their listing.

(3) Adjustment and maintenance of equipment installed in the factory-built structure.

(4) Replacement of equipment in kind.

16.610(17) *Certificate of compliance.* The manufacturer shall provide the commissioner with a certificate of compliance for each model or model group of the approved modular design that includes the following:

a. Model or model group number that will appear on the data plate and compliance certificate.

b. The signature of an authorized representative of the manufacturer.

c. The name of the third-party agency certifying compliance with the code, for each of the three certifications.

d. Evidence of code compliance certified by the third-party agencies, for the specific model or model group being submitted.

16.610(18) *Limitations.* For all types of structures other than modular homes, there shall be, with the certificate of compliance, an attached statement that sets out the limitations of the structure based on site conditions, type of construction, area, and height limitations. A statement to the effect that the structure should not be used except where it meets these conditions will not be acceptable.

16.610(19) *Code compliance and installation certificates.* Code compliance and installation certificates approved for use are available at the website of the building code bureau when seals are purchased pursuant to subrule 16.610(22). The manufacturer shall complete the certificate and distribute it as follows:

a. A copy returned to:

State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

b. A copy retained for plant records and to be used to make additional copies if necessary, including an additional copy to accompany other shipping documents carried by the transporter and to be available for inspection by any authorized official or department.

c. A copy of the compliance certificate forwarded to the dealer, distributor, or any other person who is required to obtain a local building permit or to oversee installation.

16.610(20) *Installation certificates.* The installation certificate portion of the supplied combination certificate (subrule 16.610(19)) shall be partially completed by the manufacturer at the same time the code compliance certificate is prepared and made part of the documents shipped with the unit and completed by the local building official or the installer.

a. When a building permit is required, a copy of the code compliance certificate shall be presented to the local building official at the time application for a permit is made. The building official shall sign the certificate and send a copy to the commissioner at the address designated in this rule.

b. When a building permit is not required, the code compliance certificate shall be signed by the installer and forwarded to the commissioner at the address designated in this rule.

16.610(21) *Certification seals.* There shall be two seals attached to every factory-built structure that is installed in Iowa as follows:

a. Every module, unit, section, or component has a state compliance seal securely affixed at the manufacturing facility to show that the manufactured unit complies with the code. When components and systems are included within a module, section or unit and have been approved by the third-party agency to be part of that module, section or unit, only one seal is necessary for the module, section, or unit. A series of panels that make up the final unit when assembled at the site, and where approved in that manner, need only one seal.

b. Every completed unit when installed at the final site has an installation seal attached to show that the installation complies with the requirements of this code.

16.610(22) *Compliance seals.*

a. Compliance seal issuance. The state compliance seal will be issued by the commissioner upon application and after approval of the plans and manufacturing procedures has been certified by the third-party agency evidencing compliance with this code. Applications for compliance seals shall be made to the commissioner on the supplied form and include the following:

(1) Number of seals requested.

(2) Iowa model or system approval numbers.

(3) Reference to approval of manufacturing procedures and third-party agency or agencies involved.

(4) A statement by the applicant that consent is given for inspection and investigation at all reasonable hours.

(5) Applicable compliance seal fees.

b. Compliance seal reporting. Manufacturers shall notify the commissioner monthly of the use of seals by the manufacturers' facilities, on a form approved by the commissioner and containing adequate information to determine the following:

(1) Compliance seal number.

(2) Serial number of the unit on which the seal was placed.

(3) Make and model of the unit on which the seal was placed.

(4) Number of sections that comprise the finished unit.

(5) Location to which the unit was shipped.

16.610(23) *Number of compliance seals required.* Each modular building shall have a compliance seal attached to every section or unit of the building.

16.610(24) *Compliance seal placement on modular units.* Every compliance seal shall be assigned and securely affixed to a specific section or unit in a readily visible location. Assigned seals are not transferable and are void when not affixed as assigned. All seals not properly affixed shall be returned to or may be confiscated by the commissioner. The seal remains the property of the commissioner in the event of violation of the conditions of approval.

16.610(25) *Denial and repossession of seals.* Should investigation or inspection reveal that a manufacturer is not constructing modular units in accordance with the plans approved by the third-party agency, and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture units in violation of these rules and the code, applications for new seals will be denied and the seals previously issued will be confiscated. Upon satisfactory proof of compliance, such manufacturer may resubmit an application for seals.

16.610(26) *Seal removal.* In the event that any unit bearing the seal is found to be in violation of the code, the commissioner may remove the seal after furnishing the owner or the owner's agent with a written statement of such violations. No new seals will be issued until proof of corrections has been submitted to the commissioner.

16.610(27) *Lost or damaged seals.* When or if a seal has been lost or damaged, the commissioner shall be notified immediately in writing by the manufacturer, including identification of the unit serial number, and when possible, the seal number.

a. All seals that are damaged shall be promptly returned to the commissioner.

b. Lost and damaged seals will be replaced by the commissioner with a new seal upon payment of the seal fee as provided in this section.

16.610(28) *Return of seals.* When a manufacturer discontinues production of a unit carrying plan approval, the manufacturer shall within ten days advise the commissioner of the date of such discontinuance and either return all seals allocated for such discontinued unit or assign said seals to other approved units.

16.610(29) *Fees.*

a. *Form of remittance.* All remittances are to be:

(1) In the form of checks or money orders;

(2) Made payable to Iowa Department of Inspections, Appeals, and Licensing; and

(3) Addressed to:

State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

b. *Seal fees.*

Modular code compliance seals	$30 per seal
Modular installation seals	$15 per seal

c. *Other fees.* A fee equal to the direct expense will be charged for all other services furnished by the commissioner that are not direct administrative duties of the commissioner's office, including but not limited to obtaining consultants for review and evaluation of applications or obtaining reviews from the national code writing organizations.

16.610(30) *Local issuance of building permits and local zoning.*

a. The issuance of building permits and occupancy permits will be in accordance with local ordinances and Iowa Code sections 103A.19 and 103A.20.

b. Local building codes and regulations apply to all parts of any project that are not included in the state approval of either the manufactured structure or the installation procedure.

c. Nothing in these rules or the state building code exempts any factory-built structure from the requirements of local zoning or site condition requirements.

d. A modular factory-built structure moved or relocated after the first installation in Iowa shall comply with the applicable codes and zoning restrictions of the jurisdiction into which it is being moved or relocated.

16.610(31) *Noncompliance to code provisions.* Any noncompliance or unauthorized deviation with the provisions of this code from the approved plans or production procedures will be just cause for the revocation of the plan approval and the return of the seals.

661—16.611 to **16.619** Reserved.

PART 2—MANUFACTURED HOUSING

661—16.620(103A) Manufactured home construction. (Previously called mobile home.)

16.620(1) *Authority to promulgate rules.* Pursuant to Public Law 93-383, Section 604, of the National Manufactured Home Construction and Safety Act of 1974, specified in 42 U.S.C. 5403 and signed into law on August 22, 1974, the authority to promulgate rules and regulations in order to establish federal manufactured home construction standards and procedures of enforcement were established by Congress and subsequent provisions for their implementation were so granted to the United States Department of Housing and Urban Development (HUD). Title VI of this Act authorizes the secretary of HUD to promulgate the federal standards and to issue the rules and regulations to ensure adequate administration and enforcement of such standards.

16.620(2) *Scope and applicability.* Provisions contained within Part 2 shall apply to all factory-built structures defined as a "manufactured home" in subrule 16.620(4). These regulations shall govern manufactured homes that enter the first stage of production on or after June 15, 1976, and manufactured homes that entered the first stage of production prior to June 15, 1976, to which HUD labels were affixed. These provisions supersede all local, state, or other governmental regulations for manufactured home standards and are applicable for every manufactured home unit newly manufactured and offered for sale in the United States and its governing territories. These provisions do not apply to the following:

a. Factory-built structures that comply with the requirements of Part 1.

b. Manufactured homes manufactured for installation in the state of Iowa on or after February 1, 1973, and prior to June 15, 1976.

16.620(3) *Manufacture of units prior to June 15, 1976.* Manufactured home units and add-on units that were manufactured for installation in Iowa prior to June 15, 1976, which established the effective date of the HUD standard, shall have been constructed to the standards of manufactured homes of the Iowa state building code that was in effect at the time of manufacture.

16.620(4) *Definitions and terms.* Terms and definitions for purposes of clarification when used in Part 2. (More information contained in subrule 16.610(3).)

"Anchoring equipment." Straps, cables, turnbuckles, clamps, clips, and other fasteners including tensioning devices, which are used with ties to secure a manufactured home to ground anchors.

"Anchoring system." A combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the manufactured home from wind forces.

"Approved installer." Approval by the commissioner or the commissioner's designated representative of a person, dealer, agency or organization, qualified to inspect, or install ground anchoring and support systems for manufactured homes or other manufactured structures, who installs units, for others, at a site of occupancy by attaching support and anchoring systems, and is familiar with and has agreed to comply with these installation procedures.

"Certificate, installation." The certificate provided by the installer to both the commissioner and the owner that warrants that the installation system complies with these rules. When an installer installs only the support system or anchorage system, an installation certificate shall also be completed and copies distributed accordingly for each installation and with the applicable information completed on the certificate pertinent to that type of installation (more information contained in subrule 16.623(5)).

"DAPIA." A design inspection agency approved by HUD to perform in-plant design reviews on all drawings and specifications in order to provide compliance to the HUD standard for manufactured home construction.

"Diagonal tie (frame tie)." A tie intended primarily to resist horizontal or shear forces and that may secondarily resist vertical, uplift, and overturning forces.

"Ground anchor." Any device at the manufactured home site designed to transfer manufactured home anchoring loads to the ground.

"IPIA." A production inspection agency approved by HUD to perform the in-plant quality assurance inspection programs within manufactured home manufacturing facilities.

"Label or certification label." The approved form of certification by the manufacturer that is affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States or its governing territories.

"Main frame (chassis)." The structural component on which is mounted the body of the manufactured home.

"Manufactured home." (Previously called mobile home.) A structure transportable in one or more sections that when erected on site measures 8 body feet or more in width and 40 body feet or more in length or when erected on site is 320 or more square feet in area, and that is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

"Manufactured home add-on." A structure that is designed and produced and to be made an integral part of a manufactured home and will be considered part of the manufactured home, when attached thereto.

"Manufacturer's statement of origin" means a certification signed by the manufacturer or importer that the manufactured home described has been transferred to the person or dealer named and that the transfer is the first transfer of the manufactured home in ordinary trade and commerce. The label number required by 24 CFR Chapter XX, Section 3282.362(c)(2), shall be included. (This number is commonly known as the HUD number.) The terms "manufacturer's certificate," "importer's certificate," "MSO" and "MCO" shall be synonymous with the term "manufacturer's statement of origin."

"Pier." That portion of the support system between the pier foundation and the manufactured home exclusive of caps and shims.

"Pier foundation (footing)." That portion of the support system that transmits loads directly to the soil, and shall be sized to support the loads shown herein.

"SAA." A state administrative agency approved by the Department of Housing and Urban Development to participate in the enforcement of all provisions to which a manufactured home is regulated under the HUD standard.

"Seal, installation." Is an insignia issued by the commissioner that is attached to a manufactured home by the installer to certify that the installation is in compliance with the requirements of the state building code.

"Stabilizing system (tie-down system)." A combination of the anchoring system and the support system when properly installed. Therefore, components of the anchoring and support systems such as piers, pier foundations, ties, anchoring equipment, anchors, or any other equipment that supports or secures the manufactured home to the ground, shall be defined as stabilizing devices. For the purposes of this code the definition of a stabilizing system and the definition of a tie-down system shall be one and the same.

"Support system." A combination of pier foundations, piers, caps, and shims that will, when properly installed, support the manufactured home.

"Tie." Strap, cable or securing device used to connect the manufactured home to ground anchors.

"Tie-down system (stabilizing system)." Means a ground support system and a ground anchoring system used in concert to provide anchoring and support for a manufactured home.

"Vertical tie (over-the-top)." A tie intended to resist the uplifting and overturning forces. This tie may continue over-the-top but if properly attached may only extend partway up each side.

16.620(5) *Administration.* This section covers the basic requirements for constructing manufactured homes and all of the administrative procedures under which the manufactured home program functions including information pursuant to certification, approval and manufacturing requirements. This section also applies to those structures defined in subrule 16.620(4) of Part 2 as manufactured home add-on units, temporary field construction offices and multifamily homes. There are also included within Part 2 (rule 661—16.621(103A)) sections dealing with installation procedures and information pursuant to the handling of consumer complaints (subrule 16.620(15)) consistent with the

duties of the state of Iowa to be performed as a State Administrative Agency (SAA) in conjunction with the manufactured home program.

16.620(6) *Manufactured home construction requirements.* All factory-built structures that are defined as a manufactured home under subrule 16.620(4) of Part 2, shall be constructed to the standards as promulgated by the United States Department of Housing and Urban Development hereafter referred to as HUD. These standards were published as final rules in the December 18, 1975, issue of the Federal Register, Volume 40, No. 244, and will be amended from time to time. These standards are herein adopted and apply to all manufactured homes manufactured after June 15, 1976. All provisions for manufactured home procedural and enforcement regulations are covered within the May 13, 1976, Federal Register, Volume 41, No. 94. All factory-built structures defined as a manufactured home by the federal standard shall be manufactured and so regulated by these documents.

16.620(7) *Procedures of approval for manufactured homes.* Every manufactured home unit or structure approval will follow the method of third-party certification approval with all approvals obtained through the HUD secretary. All manufactured home plans, specifications, documentation, plant facilities and in-plant inspections must be submitted to and approved by a third-party certification agency so designated by the HUD secretary. Rules and regulations pursuant to these procedures are outlined in the manufactured home procedural and enforcement regulations, Parts 3282.201 through 3282.204, which set out requirements to be met by states or private organizations that wish to qualify as primary inspection agencies (more information contained in subrule 16.620(4) about Part 2 definitions for IPIA and DAPIA).

16.620(8) *Compliance certification.* Every manufactured home unit or structure must conform to the certification requirements within section 3282.205 of the manufactured home procedural enforcement regulatory document.

16.620(9) *Certification seals (labels) and other seal requirements.* Every manufactured home unit or structure must conform to the requirements within the manufactured home procedural and enforcement regulatory document section 3282.362(c)(2) in lieu of Iowa insignias. Other types of units manufactured under the requirements of Part 2 will be labeled as prescribed in subrule 16.620(10).

16.620(10) *Manufactured home add-on units.* Every factory-built structure manufactured as a manufactured home add-on unit as defined in subrule 16.620(4) shall be constructed to the standards set forth in subrule 16.620(6), except that these units will bear an Iowa seal in accordance with the provisions of Part 1. Manufacturers of manufactured home add-on units with the exception of constructing to the HUD standard, which has been herein adopted for these units, must comply with all other provisions of Part 1.

16.620(11) *Seal types for manufactured home add-on units.*

a. When ordering seals for manufactured home add-on units, each manufacturer will indicate the number of each type of seal requested and the letter prefix required. Examples of seals issued are as follows: (A00-0000MH), (B00-0000MH), C, D, and E, etc. Single units are without prefix letters (00-0000MH). More details are contained in subrule 16.610(21).

b. It is noted that manufactured home type seals shall be attached to all of these type units. All other procedures for seal issuance, removal, damage, repossession and return are to conform with provisions of this code as outlined in Part 1.

16.620(12) *Noncompliance.* Failure to conform to the provisions of Part 2 as they apply to the federal standard for the construction of manufactured homes is subject to the penalties where applicable as set forth within Part 1. The state of Iowa having adopted the federal standard and the enforcement regulations shall participate in the federal program as an agent of HUD, thereby providing assurances to ensure code compliance when these units are offered for sale for subsequent installation within the state of Iowa.

16.620(13) *Consumer complaints.* The state building code bureau serving as an approved State Administrative Agency (SAA) for the Federal Department of Housing and Urban Development shall receive complaints and process them in accordance with the requirements of the federal regulations as outlined in subpart I, paragraph 3282.401, titled, “Consumer Complaint Handling and Remedial Actions of the Manufactured Home Procedural and Enforcement Document.” These specific complaints are

categorized as possible imminent safety hazards or possible failures to conform to the federal standard. Imminent safety hazards shall be those items that could result in an unreasonable risk of injury or death to the occupants of the manufactured homes. Failures to conform to the federal standard are those items that do not result in an unreasonable risk of injury or death to the occupants of manufactured homes, but nevertheless do not meet the provisions of the federal standard in some specific manner.

661—16.621(103A) Installation of manufactured homes.

16.621(1) *Authority.* These rules and regulations are to establish minimum requirements for the installation of manufactured homes as authorized by Iowa Code sections 103A.7(2)*"c"* and 103A.9.

16.621(2) *Application.*

a. These rules apply to the initial installation of manufactured homes manufactured on or after February 1, 1973, and to factory-built structures manufactured homes before February 1, 1973, which have never been installed in Iowa, and are approved by the commissioner.

b. These rules apply to all manufactured homes, new or used, that are sold in Iowa or sold to be installed in Iowa after September 1, 1977, for new manufactured homes and January 1, 1978, for used manufactured homes. The seller shall provide an approved tie-down system and the purchaser shall install or have the system installed within 150 days (more information contained in subrule 16.620(4) about the definition of a tie-down system). The 150-day period is designated for time to complete the installation when climatic conditions may restrict the completion of the tie-down system.

c. These rules apply to the installation of manufactured home add-on units, temporary field construction offices and manufactured multifamily homes.

d. These rules shall apply to any person doing any work on any part of the tie-down system (both support or anchorage systems) whether the unit is being sold or not.

16.621(3) *Enforcement.* The commissioner shall administer and enforce these provisions. Any person, agent, or organization approved and authorized by the commissioner may inspect any installation system and equipment to ensure compliance with these regulations. Evidence of compliance shall be supported by the submission to the commissioner of a certificate of installation. One copy of such certificate will remain in possession of the owner of the installed structure.

16.621(4) *Manufactured home installation instructions.* Every manufactured home manufacturer that manufactures manufactured homes for installation in Iowa shall provide the commissioner with a reproducible copy of printed instructions of installation for each specific make and model of manufactured home that is to be installed in Iowa. These instructions shall include copies of the materials that have been certified by a registered professional engineer for compliance with the federal manufactured home construction standards and 3280.306(a)(2), 3280.306(b), and 3280.303(c) of the regulatory standards. The manufacturer's installation instructions shall also be available at the installation site.

16.621(5) *Approvals and procedures.* Requirements for approval of installers, support and anchorage systems, seals and certificates are described in the remaining sections of this part.

661—16.622 Reserved.

661—16.623(103A) Installation seal and certificate procedures for manufactured homes.

16.623(1) *Application for seals.* Any installer who has met the applicable requirements of 661—Chapter 374 may apply for installation seals as needed. Such seals may be obtained from the commissioner or local building officials or building department who is a participant in the state's installation program.

16.623(2) *Manufactured home installation certificates.* The installer of manufactured homes shall supply the building code commissioner and the owner of the unit with the signed and completed installation certificate that has been issued by the Iowa building code commissioner, within 30 days of affixing the Iowa installation seal.

16.623(3) *Obtaining installation certificates.* Any person who installs a tie-down system or any portion thereof shall be supplied with the installation certificate forms when ordering installation seals and the payment of the appropriate fee. Installers who are not listed as an installer shall be supplied the

proper form to be attached to the copy of the installation certificate to be filed with the commissioner, which will record compliance with the approved system.

16.623(4) *Placement of installation seal.*

a. The installation seal shall be placed in a readily visible location on the rear of the unit. Those units manufactured after June 15, 1976, shall have the installation seal placed adjacent to the federal (HUD) label. Those units manufactured before June 15, 1976, shall have the installation seal placed at the left rear corner above any skirting.

b. Multiple width units require only one seal for the completed installation. Additions that are added after the initial installation shall have an installation seal on that portion.

16.623(5) *Denial and repossession of installation seals.* Should investigation or inspection reveal that an approved installer has not installed an anchoring system, support system, or the complete tie-down system according to these rules and the code, the commissioner may deny such installer's application for new installation seals and any installation seals previously issued shall be confiscated. Upon satisfactory proof of modification of such installation bringing them into compliance, such dealer or installer may resubmit an application for installation seals.

16.623(6) *Seal removal, installation.* Should a violation of the rules regarding installation be found, the commissioner may remove the installation seal after furnishing the owner or a designated agent with a written statement of such violation. The commissioner shall not issue a new installation seal until corrections have been made and the owner or a designated agent has requested an inspection pursuant to subrule 16.625(1).

16.623(7) *Lost or damaged seals, installation.* When an installation seal is lost or damaged, the commissioner shall be notified in writing. Damaged or lost installation seals shall be replaced by the commissioner upon payment of the replacement installation seal fee as provided in rule 661—322.20(103A).

16.623(8) *Return of seals, installation.* When a dealer or installer discontinues the installation of manufactured homes, the dealer or installer shall notify the commissioner within ten days of the date of such discontinuance and return all unused installation seals that have been issued to the dealer or installer. Installation seals may not be transferred by any dealer or installer after being issued to that dealer or installer.

16.623(9) *Seals for existing manufactured homes.* Seals may be obtained for existing manufactured homes that are tied down in accordance with the requirements of rule 661—16.627(103A).

661—16.624 to **16.626** Reserved.

661—16.627(103A) Approval of existing manufactured home tie-down systems. This rule is to provide a method by which manufactured homes that have been installed prior to August 12, 1983, can be sold without requiring a new tie-down system to be installed and to allow existing manufactured homes that are properly supported and anchored to be sold without installing new support and anchorage systems.

16.627(1) *Sale of a certified unit.*

a. The commissioner shall be notified in writing by the seller of the change of ownership when any manufactured home sold after August 12, 1983, remains in the same location. The installation seal shall remain in place and a copy of the installation certificate shall be supplied to the new owner. Replacement seals and certificates may be obtained if necessary (subrule 16.623(9)).

b. A certified manufactured home sold after August 12, 1983, that is moved to a new location must obtain a new certificate and seal. The existing support and anchorage system may be used if the installer verifies the conditions of use and the installation procedures of the existing systems are met at the new location.

16.627(2) *Sale or acceptance of installed existing units as an owner's option.* Application may be made to the commissioner for approval of an existing manufactured home support and anchor system on one of the following conditions:

a. If the support and anchorage systems were installed by an approved installer and are approved systems.

b. If the existing support and anchorage system has been inspected by an approved installer and the installer attests by signing the installation certificate that to the best of the installer's knowledge, the existing systems are equal to or better than the minimum requirements of this code.

c. If the existing support and anchorage systems are inspected and approved by a registered engineer or architect, and attested to in writing.

d. If the existing support and anchorage systems are inspected by a field inspector with the Iowa state building code and the existing systems are found to be equal to or better than the minimum requirements of this code.

If compliance is met by one of the above procedures and payment of the required fee has been paid, an Iowa installation seal and certificate may then be issued.

661—16.628(103A) Procedure for governmental subdivisions for installation of factory-built structures.

16.628(1) Any governmental subdivision that has adopted the state building code or any other building code is required to enforce the state building code requirements for the installation of factory-built structures (Iowa Code section 103A.9(1)*"d"*(1)).

16.628(2) Governmental subdivisions that are issuing building permits and are inspecting construction for compliance with the local building regulations shall verify the installation of factory-built structures within their jurisdiction and shall sign the installation certificate and forward the appropriate copy to the commissioner.

a. The local official shall obtain the installation certificate and the installation seal from the person making application for a building permit that includes a factory-built structure.

b. Upon completion and review of the installation the local official shall attach the installation seal to the unit.

c. Governmental subdivisions are permitted to assess fees as may be required by local ordinances.

d. Nothing in this rule is intended to reduce the authority of the governmental subdivision from establishing zoning regulations as outlined in Iowa Code sections 414.28 and 335.30.

661—16.629(103A) Support and anchoring systems submission.

16.629(1) *Submission by manufacturer.* The manufacturer of each manufactured home installed in Iowa shall submit to the building code commissioner a copy of the installation instructions by mail in printed form and in an electronic form acceptable to the commissioner.

16.629(2) *Submission by licensed professional engineer.* A licensed professional engineer who designs a support and anchoring system for use in the installation of a manufactured home in Iowa shall submit to the building code commissioner a copy of the specifications and instructions for the system by mail in printed form and in an electronic form acceptable to the building code commissioner. A support and anchoring system designed by a licensed professional engineer shall not be utilized unless it has been submitted to the building code commissioner in compliance with this subrule.

TABLE 6A

MINIMUM NUMBER OF TIEDOWNS

REQUIRED FOR SINGLEWIDE MOBILE HOMES

MOBILE HOME BOX LENGTH NOT EXCEEDING	MINIMUM NUMBER OF TIEDOWNS PER SIDE	
	DIAGONAL TIES	VERTICAL TIES*
40′-0″	3	2
54′-0″	3	2
73′-0″	4	2
84′-0″	5	2

*If more than minimum number of vertical or diagonal ties have been supplied, they shall all be used.

NOTES:

1. Doublewide mobile homes shall comply with Table 6A except that no vertical ties are required.
2. Wherever a vertical tie and a diagonal tie lie in a plane that is vertical and transverse to the main longitudinal beam, both ties may be connected to the same ground anchor, providing that particular anchor withstands both loadings.
3. This table shall be used only if there are no manufacturers approved installation requirements.

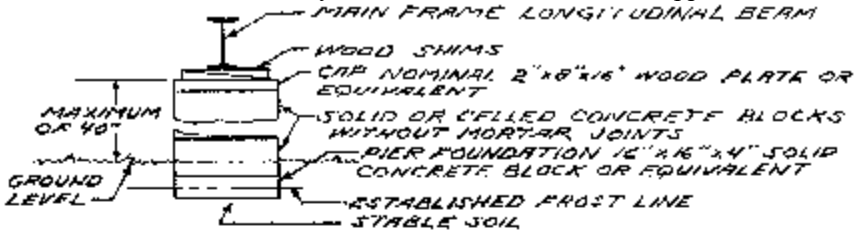


FIGURE 1. PIERS UP TO 40" IN HEIGHT (SINGLE BLOCK CONSTRUCTION)

NOTE: CORNER PIERS MORE THAN THREE (3) BLOCKS HIGH SHALL BE DOUBLE BLOCK CONSTRUCTION AS SHOWN IN FIGURES 2 & 3

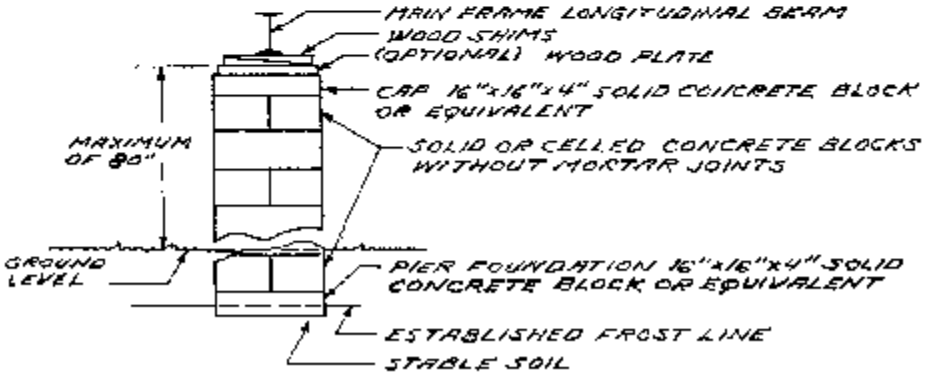


FIGURE 2 - PIERS OVER 40" IN HEIGHT AND NOT EXCEEDING 80" IN HEIGHT (DOUBLE BLOCK CONSTRUCTION)

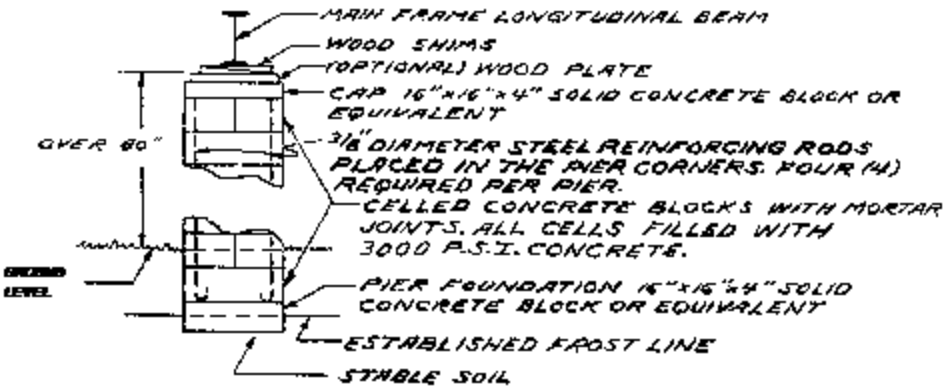
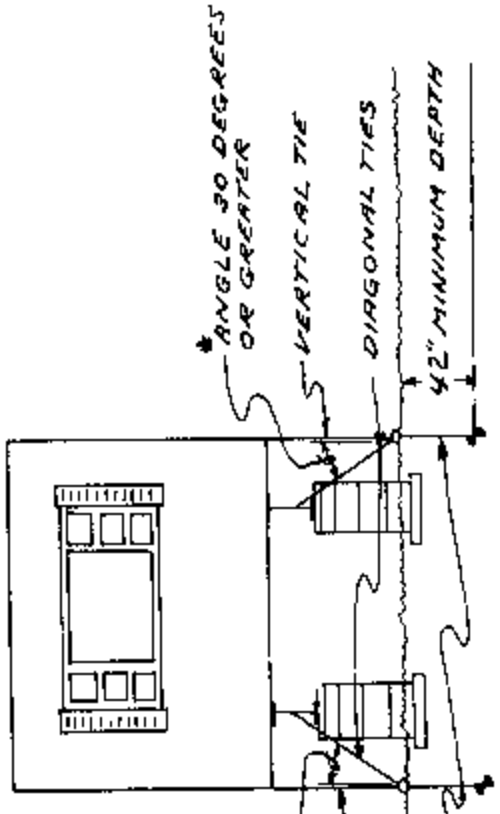


FIGURE 3 - PIERS OVER 80" IN HEIGHT (DOUBLE BLOCK CONSTRUCTION, STEEL REINFORCED)

FIGURE 4

MOBILE HOME TIEDOWN

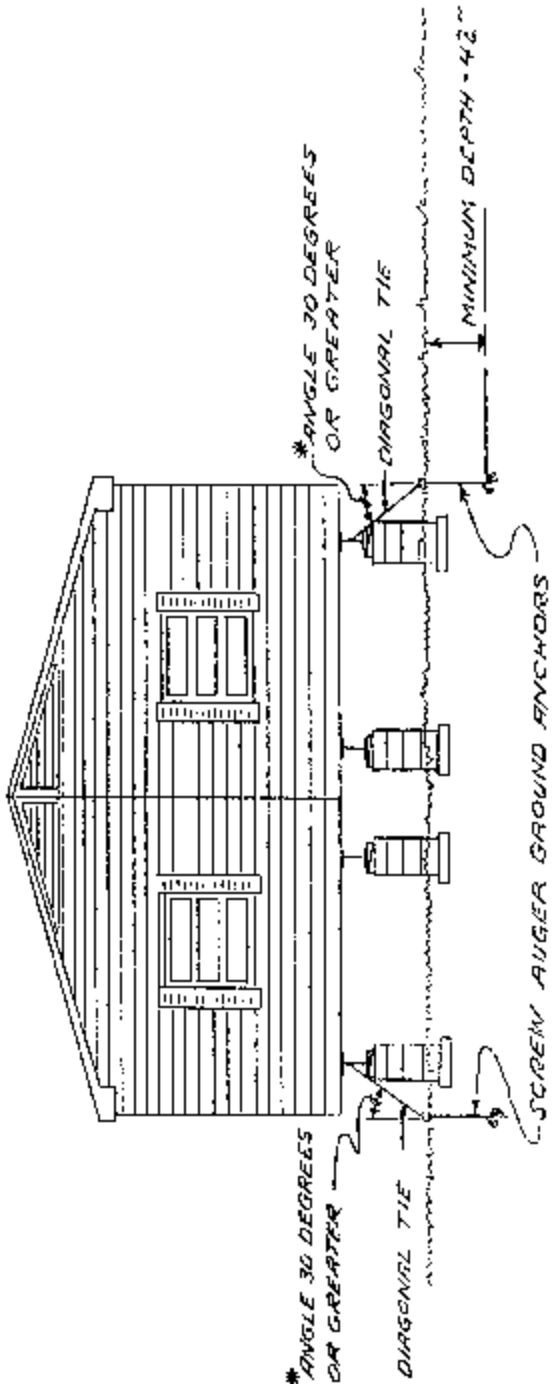


*DIAGONAL TIE SHALL DEVIATE FROM A VERTICAL DIRECTION 30 DEGREES OR MORE.

FIGURE 5

DOUBLE WIDE MOBILE HOME TIEDOWN

*DIAGONAL TIE SHALL DEVIATE FROM A VERTICAL DIRECTION 30 DEGREES OR MORE.



These rules are intended to implement Iowa Code sections 103A.7 and 103A.9 and Public Law 102-486.

ARC 9047C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to fire control administration and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing (DIAL) hereby proposes to rescind Chapter 200, "Fire Marshal Administration"; to rescind Chapter 201, "General Fire Safety Requirements," and to adopt a new Chapter 201, "Fire Control Administration"; and to rescind Chapter 202, "Requirements for Specific Occupancies," Chapter 205, "Fire Safety Requirements for Hospitals and Health Care Facilities," Chapter 210, "Smoke Alarms/Detectors," and Chapter 211, "Carbon Monoxide Alarms," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 10A.511, 10A.518 and 10A.523.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 10A.511, 10A.518 and 10A.523 and Executive Order 10.

Purpose and Summary

This rulemaking proposes rescinding Chapters 200, 202, 205, 210, and 211. This rulemaking proposes the repromulgation of pertinent rules in a combined and streamlined Chapter 201. Pursuant to 2023 Iowa Acts, Senate File 514, the content from the following rules will be retained by the Department of Public Safety and analyzed as part of its Red Tape Review:

661—200.1(100) Description.

661—200.2(100) General administrative procedures.

661—200.6(100) Fire investigations.

661—200.9(100A) Sharing of insurance company information with the fire marshal.

661—200.10(100A) Release of information to an insurance company.

661—200.11(100A) Forms.

Iowa Code section 10A.511 provides that the Director of DIAL is to promulgate fire safety rules in consultation with the State Fire Marshal. Wherever by any statute the Director or DIAL is authorized or required to promulgate, proclaim, or amend rules and minimum standards regarding fire hazards or fire safety or protection in any establishment, building, or structure, the rules and standards shall promote and enforce fire safety, fire protection, and the elimination of fire hazards as the rules may relate to the use, occupancy, and construction of the buildings, establishments, or structures. The rules and minimum standards shall be in substantial compliance, except as otherwise specifically provided in Iowa Code chapter 10A, with the standards of the National Fire Protection Association (NFPA) relating to fire safety as published in the National Fire Codes. Pursuant to Iowa Code section 10A.511(4), another duty of the Director is to adopt rules designating a fee to be assessed for each building, structure, or facility for which a fire safety inspection or plan review by the Director is required by law. The fee designated by rule shall be set in an amount that is reasonably related to the costs of conducting the applicable inspection or plan review.

Iowa Code section 10A.518(2)"b" states that DIAL's rules shall require the installation of smoke detectors in existing single-family rental units and multiple-unit residential buildings. The Director shall adopt rules and establish appropriate procedures to administer this Iowa Code section.

Iowa Code section 10A.518(3)"b" states that DIAL's rules shall require the installation of carbon monoxide alarms in existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or an attached garage shall be equipped with approved carbon monoxide alarms. The Director shall adopt rules and establish appropriate procedures to administer this Iowa Code section.

Iowa Code section 10A.523 provides that the Director shall adopt standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for hospitals, health care facilities and other buildings or structures where persons congregate from time to time, whether publicly or privately owned. Rules by the Director affecting the construction of new buildings, additions to existing buildings or rehabilitation of existing buildings and related to fire protection shall be substantially in accord with the provisions of the nationally recognized building and related codes adopted as the State Building Code pursuant to Iowa Code section 103A.7 or with codes adopted by a local subdivision that are in substantial accord with the codes comprising the State Building Code.

This proposed rulemaking implements the aforementioned Iowa Code sections by setting forth building plan submission and inspection standards. The rulemaking proposes to set forth safety requirements in processes for specific buildings, including hospitals and health care facilities. The rulemaking proposes to adopt by reference NFPA 101, Life Safety Code, 2012 edition, for fire safety rules for new and existing hospitals, nursing facilities, hospices, ambulatory surgical centers, and existing religious nonmedical health care institutions.

A uniform procedure is proposed to be established for issuing a certificate of compliance, including an appeal process if a certificate is not granted. The rulemaking proposes to adopt the International Fire Code (IFC), 2024 edition, with amendments and establishes appropriate fees for plan reviews. The rulemaking further proposes to establish safety standards for smoke detectors and carbon monoxide alarms. These rules were promulgated in consultation with the State Fire Marshal.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

The Department received one public comment from Justin Frederick with the Waukee Fire Department, as well as a written explanation of his comment. The public comment referred to reference UL 217 edition 10. The comment explained that Mr. Frederick can go to any box store and purchase a smoke alarm that is listed to UL 217. The majority of them do not state the edition except if advertising edition 8. He indicated that persons can purchase smoke alarms that meet the edition 7, edition 8 or even edition 9, but he could not find an edition 10. Mr. Frederick indicated that he believed the rulemaking should reference "UL 217 edition 8 or newer." Iowa Code section 17A.6(5) requires an agency to include as part of the reference a date certain, edition or amendment number. Making the change as Mr. Frederick requested would not be in compliance with that requirement. The reference to UL 217 was changed instead to edition 8 or 9 to balance Mr. Frederick's comment with the requirements of Iowa Code section 17A.6(5).

Additional changes were made to the rulemaking regarding section 1103.5.1 of the International Fire Code. The change clarified that Group A-2 occupancies can submit an alternative means of compliance per section 104.2.3 of the 2024 International Fire Code. This change does not make the rulemaking more restrictive than that which was published in the Regulatory Analysis. Changes were made to rule 661—201.10(10A) to clarify that additions and alterations to existing buildings or structures must comply with the State Building Code. These changes are for clarification and are not more restrictive than the language that was published in the Regulatory Analysis.

Clarifying and grammatical changes also have been made since publication of the Regulatory Analysis.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition DIAL for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by DIAL no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: amy.oetken@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 9 to 9:30 a.m.	Geode Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
April 23, 2025 11 to 11:30 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

Virtual participation information will be made available on DIAL's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact DIAL and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **661—Chapter 200**.

ITEM 2. Rescind 661—Chapter 201 and adopt the following **new** chapter in lieu thereof:

CHAPTER 201
FIRE CONTROL ADMINISTRATION

661—201.1(10A) Fire control administration description and contact information. Fire control is administered within the health and safety division of the department and may be contacted as provided in 481—Chapter 1 and on the department's website: dial.iowa.gov. The general email address for the fire safety bureau is fire.inspections@dia.iowa.gov. The department will collaborate with the state fire marshal division of the department of public safety in accordance with Iowa Code chapter 10A and as necessary.

661—201.2(10A) Definitions. The definitions set forth in Iowa Code section 10A.101 are incorporated herein by reference. The following definitions also apply:

"Ambulatory surgical center" means a facility or portion thereof as defined in Iowa Code section 135R.1.

"Fire alarm system" means a system or a portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

"Hospice" means a facility licensed or seeking licensure pursuant to Iowa Code section 135J.2.

"Hospital" means a facility licensed or seeking licensure pursuant to Iowa Code chapter 135B.

"Intermediate care facility" means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.6 as an intermediate care facility for persons with an intellectual disability or intermediate care facility for persons with mental illness as both are defined in Iowa Code section 135C.1.

"Multiple-station smoke alarm" means two or more single-station smoke alarm devices that are capable of interconnection such that actuation of one causes the appropriate alarm signal to operate in all interconnected alarms. Interconnection may occur wirelessly for residential smoke alarms.

"NFPA" means the National Fire Protection Association, available at: www.nfpa.org. References to the form "NFPA xx," where "xx" is a number, refer to the NFPA standard or pamphlet of the corresponding number.

"Nursing facility" means the same as defined in Iowa Code section 135C.1.

"Single-station smoke alarm" means an assembly incorporating the detector, the control equipment and the alarm-sounding device in one unit, operated from a power supply either in the unit or obtained at the point of installation or both.

"Smoke alarm" means a single- or multiple-station alarm responsive to smoke. See also "single-station smoke alarm" and "multiple-station smoke alarm."

"Smoke detector" means a device that senses visible or invisible particles of combustion. Smoke detectors are typically listed under Underwriters Laboratories (UL) 268.

661—201.3(10A) Building plan submission.

201.3(1) Plans for initial construction or alterations, changes, additions, renovations, or remodeling of buildings requiring the approval of the director shall be submitted to the building code bureau pursuant to rule 661—300.4(103A), except that plans related to the following entities may be submitted to a local fire or building department for approval upon a determination of compliance with the rules of the department or a local fire ordinance recognized in rule 661—201.11(10A):

a. Any educational building or facility serving kindergarten through twelfth grade,
b. Any college or university building or facility,
c. Any child care facility intended to serve seven or more children at one time,
d. Any correctional facility, or
e. Any gaming facility.

201.3(2) When approval of building construction projects is required by this chapter or requested by the submitter for other building construction projects covered by this chapter, one complete set of the final working plans and specifications shall be submitted to the building code bureau in accordance with Iowa Code chapters 542B and 544A and with rule 661—300.4(103A) (Note: 661—subrule 300.4(2)

establishes fees for plan reviews that are paid to the building code bureau. These fees are not collected by the fire control bureau). Submittals will be examined, and the submitter will be notified of the findings. If the working plans and specifications comply with this chapter, an approval letter will be sent to the submitter.

201.3(3) Shop drawings, equipment specifications, and supporting documentation for fire alarm and sprinkler systems shall be submitted for review and approval and signed by a responsible managing employee licensed in accordance with Iowa Code chapter 100C. If the system is being installed as part of a project that has been designed by an engineer or architect, the submittal shall be approved by the responsible architect or engineer prior to submittal to the department. Submittals will be examined, and the submitter will be notified of the findings. Only one copy of shop drawings, equipment specifications, and supporting documentation should be submitted. The building code bureau will send a letter of approval to the submitter in lieu of returning approved shop drawings.

201.3(4) No changes shall be made to the approved final working plans and specifications or shop drawings unless the changes are submitted to and approved by the building code bureau.

201.3(5) If the blueprints and specifications are not acceptable, the building code bureau will notify the submitter of the deficiencies and request that the submitter either forward changes or request a review of the blueprints and specifications with the building code bureau. If after such review the submitter disputes the findings of the plan reviewer, the submitter may request that the disputed questions be reviewed by the chief for the building code bureau and the chief of the fire prevention bureau. If the submitter disputes the findings of the chief for the building code bureau and the chief of the fire prevention bureau, the submitter may appeal by submitting a request for a contested case hearing to the department, in writing, within 30 days of receipt or service of the order in accordance with Iowa Code section 10A.515 and chapter 17A. Contested cases are governed by 481—Chapter 9 (contested cases) and 481—Chapter 10 (rules of practice and procedure before the administrative hearings division).

201.3(6) The responsible design professional for a project will schedule a preliminary meeting with the building code bureau to discuss code compliance issues early in the design development phase in accordance with 661—subrule 300.4(3). Approval to bid the project will not be given unless all applicable issues identified on the checklist have been addressed to the satisfaction of the building code bureau.

661—201.4(10A,101,101A) Inspections and inspection fees. The director, any employee of the department, or any designated subordinate or local fire department authorized by the director may enter to inspect any building or premises and the contents thereof at any reasonable time, without notice, in accordance with Iowa Code sections 10A.512 and 10A.514.

201.4(1) An inspection may be of a particular system in the building, facility, or installation, or the inspection may include the entire building, facility, or installation.

201.4(2) An inspection to evaluate compliance with the rules of the department may be conducted by the department or by a consultant as requested by the director. A consultant will have the necessary degree of training, education, or experience to examine a system within a building required to comply with the rules of the department and determine if such system or systems comply with requirements. If a consultant is engaged to conduct an inspection, the consultant may be accompanied by an employee of the department or of a local fire department while conducting the inspection.

201.4(3) Inspections will be conducted without announcement and occur on a random basis, upon request, in response to a complaint, or to investigate a suspected fire hazard.

201.4(4) An owner or person in control of the building, facility, or installation will be advised of an inspection upon the inspector’s arrival, if available, but the inspection will commence in any event. The owner or a representative may accompany an inspector throughout the inspection, provided that the inspection is not delayed.

201.4(5) Upon completion of an inspection, the inspector may complete a written inspection order if any violations or deficiencies are discovered. The order will be signed by the employee and, if prepared by a consultant, will also be signed by the consultant.

201.4(6) Upon completion of the inspection, if the building, facility, or installation does not comply with applicable laws or rules, the inspector will identify specific provisions with which the building, facility, or installation does not comply and will notify the owner. The owner may be ordered to correct or repair the deficiency. The owner may order the building, facility, or installation removed or demolished in lieu of correcting the deficiency.

a. The employee or consultant signing the notice of deficiency or order will retain a copy and distribute a copy to the department or fire department having jurisdiction as necessary.

b. The time allowed to comply with the order will be determined by the employee or consultant, who will consider the likelihood that a fire may occur; the possibility of personal injury or property loss; the cost and availability of materials and labor to correct, repair, remove, or demolish; and other relevant information.

c. If the owner of the building, facility, or installation does not agree with the deficiency findings and order, the owner may appeal the order by submitting a request for a contested case hearing to the department in the same manner as set forth in subrule 201.3(5).

201.4(7) Inspection fees are payable through the department's website or by check or money order made payable to the department. If a certificate of occupancy is required for use of the building, facility, or installation, the certificate will not be issued until the inspection fee has been paid. When an initial inspection requiring a fee pursuant to this subrule results in a finding of a deficiency requiring reinspection, the initial reinspection will be performed without an additional fee. If the original deficiency or deficiencies have not been corrected at the time of the initial reinspection, then a fee of $125 for each additional reinspection after the initial reinspection is required until any original deficiency has been corrected. Inspection fees apply for entities licensed or seeking licensure as follows:

a. Hospital (Iowa Code chapter 135B) or health care facility (Iowa Code chapter 135C): $2.50 per bed.

b. Elder group home (Iowa Code chapter 231B) or assisted living program (Iowa Code chapter 231C): $10 per bed.

c. Adult day services (Iowa Code chapter 231D): $75 per facility.

d. Child care facility (Iowa Code chapter 237A): $25 per facility.

661—201.5(10A) Certificates for licensure. The department will issue a certificate approving a building, facility, or installation for occupancy upon request from an owner or owner's agency if the building, facility, or installation comply with applicable rules and all fees have been paid. Denial of such a certificate is subject to appeal in the same manner as set forth in subrule 201.3(5).

661—201.6(10A) Fire drills. Public and private schools shall conduct fire drills in all school buildings as specified in Iowa Code section 10A.522 when school is in session.

661—201.7(10A) Inspection based on complaint.

201.7(1) *Request for inspection.* A person alleging a building, facility, or installation presents a significant fire hazard may submit a complaint to the department and should provide the following information, if known:

a. The address of the building, facility, or installation and name and address of its owner;

b. The complainant's name, address, and telephone number; and

c. A general description of the alleged deficiencies.

201.7(2) *Initial determination.* The department will determine whether allegations warrant an inspection. The complainant or owner of the building, facility, or installation may be advised of the determination. Inspection is likely to occur for any building, facility, or installation that:

a. By want of proper repair, or by reason of age and dilapidated condition, is especially liable to fire and is so situated as to endanger other buildings, facilities, installations, property, or persons, or

b. Contains combustibles, explosives, or flammable materials dangerous to the safety of any buildings, premises, or persons.

201.7(3) *Final decision.* Upon completion of the inspection:

a. If the building, facility, or installation complies with applicable laws or rules and no deficiencies are found, the department will accordingly notify the owner and the complainant.

b. If any deficiencies are found and the building, facility, or installation is within the corporate limits of a city, the department will notify the mayor and clerk of said city of the deficiencies and the need for repairs.

c. If any deficiencies are found and the building, facility, or installation is outside the corporate limits of any city, the department will specifically identify such deficiencies and prepare an order to correct or repair the deficiencies in accordance with Iowa Code section 10A.515. The order will be mailed to or served upon the owner of the building, facility, or installation in accordance with Iowa Code chapter 17A and may be provided, as appropriate, to any occupants, lienholders, or lessees. The order is effective upon receipt or issuance and will give the owner a reasonable time to comply with its mandate(s). The department will determine what constitutes a reasonable time by considering the likelihood of fires; possibility of personal injury or property loss; cost; availability of materials and labor to correct, repair, remove or demolish the building, facility, or installation; and any other reasonable and relevant information. The order will also notify the owner that the owner may appeal the order in accordance with Iowa Code section 10A.515 and the process described in subrule 201.3(5).

d. Emergency orders may be issued in accordance with Iowa Code section 10A.515.

201.7(4) *Reinspection.* If the owner of the building, facility, or installation elects not to challenge the department's order, the department will, at the end of the period during which compliance was required, conduct another inspection of the building, facility, or installation.

201.7(5) *Failure to comply.* At the request of the department, the county attorney shall institute legal proceedings to obtain compliance or enforce penalty provisions in accordance with Iowa Code section 10A.516.

661—201.8(10A) General provisions. The following publications or indicated portions thereof are hereby adopted by reference as general fire safety requirements and apply to all occupancies other than those to which provisions specific to an occupancy explicitly exclude these provisions or any individual provision contained therein.

201.8(1) International Fire Code, 2024 edition, published by the International Code Council, available at www.iccsafe.org, with the following amendments:

a. Delete section 103 and sections contained therein, section 104 and sections contained therein except section 104.2.3, section 105 and sections contained therein, section 106 and sections contained therein, section 107 and sections contained therein, section 108 and sections contained therein, section 109 and sections contained therein, section 110 and sections contained therein, section 111 and sections contained therein, section 112, section 113 and sections contained therein, section 114 and sections contained therein, and section 115 and sections contained therein.

b. Delete section 301.2.

c. Delete section 307.2.

d. Add the following new section 308.1.11:

308.1.11 Open Flame Cooking Devices. Charcoal burners and ash- or coal-producing devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. LP-gas burners connected to one (1) 20-pound LP-gas container.
3. Where buildings, balconies and decks are protected by an automatic sprinkler system.

e. Delete section 315.3.3 and insert in lieu thereof the following new section:

315.3.3 Equipment Rooms. Combustible material shall not be stored in boiler rooms, mechanical rooms, or electrical equipment rooms or in fire command centers as specified in Section 508.1.5.

Exception: In sprinklered equipment rooms that have sufficient space to allow a minimum of 10 feet between all combustible storage and the heating, mechanical or electrical equipment in the room.

f. Delete section 405.3 and table 405.3 and insert in lieu thereof the following new section and new table:

405.3 Frequency. Required emergency evacuation drills will be held at the intervals specified in Table 405.3 or more frequently where necessary to familiarize all occupants with the drill procedure.

TABLE 405.3

FIRE AND EVACUATION DRILL FREQUENCY AND PARTICIPATION

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B[c]	Annually	Employees
Group E	See [a] below	All occupants
Group I	Quarterly on each shift	Employees
Group I-1[b] and Group R-4	Quarterly	All occupants
Group R-1	Quarterly on each shift	Employees
Group R-2[d]	Four annually	All occupants
High-rise	Annually	Employees

[a] Fire and severe weather drills shall be conducted in accordance with Iowa Code section 10A.522. In severe climates, the fire code official has the authority to modify the emergency evacuation drill frequency.

[b] Fire and evacuation drills in assisted living facilities include complete evacuation of the premises in accordance with Section 405.2. Drills shall be conducted not less than six times per year on a bimonthly basis, with not less than two drills conducted during the night when residents could reasonably be expected to be sleeping. The drills may be announced in advance to the residents. Where occupants receive habilitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program.

[c] Group B buildings that have an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.

[d] Applicable to Group R-2 college and university buildings in accordance with Section 408.3.

g. Delete section 807.5.2.1 and insert in lieu thereof the following new section:

807.5.2.1 Storage in corridors and lobbies. Clothing and personal effects will not be stored in corridors and lobbies.

Exceptions:

1. Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.
2. Storage in metal lockers, provided the minimum required egress width is maintained.

h. Delete section 903.2.8 and insert in lieu thereof the following new section:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Cabin buildings that are located in remote areas without a sufficient municipal water supply for design of a fire sprinkler system and that meet all of the following:

1. Not more than one story.
2. Not more than 750 square feet in floor area.
3. Fuel-fired heating equipment and other fuel-fired appliances are separated from sleeping areas by a one-hour fire-rated assembly.
4. Provided with fire alarm and smoke alarm systems as required by Section 907 for R-1 occupancies.
5. Basements are not allowed.
6. Maintain a fire separation of 20 feet from any other building or structure.
7. Comply with all applicable requirements of this Code.

i. Delete section 907.2.3 and insert in lieu thereof the following new section:

907.2.3 Group E. In the absence of a complete automatic sprinkler system, a complete automatic detection system utilizing an emergency voice/alarm communication system shall be installed throughout the entire Group E occupancy. A Group E occupancy with a complete automatic sprinkler system will be provided with a fire alarm system utilizing an emergency voice/alarm communication system in compliance with Section 907.5.2.2 and installed in accordance with Section 907.6. As a minimum, smoke detection will be provided in corridors at a maximum spacing of 30 feet on center, and heat or smoke detection will be provided in any hazardous or nonoccupied areas in all new or existing Group E occupancies.

Exceptions:

1. Group E occupancies with an occupant load of less than 50.

2. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:

2.1. Interior corridors are protected by smoke detectors with alarm verification.

2.2. Auditoriums, cafeterias, gymnasiums and the like are protected by heat detectors or other approved detection devices.

2.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

2.4. Off-premises monitoring is provided.

2.5. The capability to activate the evacuation signal from a central point is provided.

2.6. In buildings where normally occupied spaces are provided with a two-way communication system between such spaces and a constantly attended receiving station from which a general evacuation alarm can be sounded, except in locations specifically designated by the fire code official.

3. Manual fire alarm boxes are not required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system, the notification appliances will activate on sprinkler water flow, and manual activation is provided from a normally occupied location.

4. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 are not required in Group E occupancies with occupant loads of 100 or less, provided that activation of the fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

j. Add the following new section 1003.8:

1003.8 Frost protection. Exterior landings at doors will be provided with frost protection.

k. Add the following new section 1028.6:

1028.6 Exit discharge pathways. Exit discharge pathways will be paved from all required exits of a building to a public way or parking lot.

l. Delete section 1030.1.1 and insert in lieu thereof the following new section:

1030.1.1 Bleachers, grandstands, and folding and telescopic seating that are not building elements will comply with ICC-300, Standard for Bleachers, Folding and Telescopic Seating, and Grandstands, 2023 edition, with the following amendments to ICC-300:

(1) Delete section 105.2 and insert in lieu thereof the following new section:

105.2 Yearly inspection required. All bleachers and folding and telescopic seating installed on or after December 1, 2011, shall be inspected at least once a year in order to verify that the structure is maintained in compliance with the provisions of this standard. All folding and telescopic seating will also be inspected to evaluate compliance with the manufacturer's installation and operational instructions during the opening and closing of such seating. Any inspection conducted in compliance with this section may be conducted by any knowledgeable person including, but not limited to, a person who has been instructed by the manufacturer or installer as to procedures and standards for inspections of the structure being inspected and including, but not limited to, the owner of the structure or an employee of the owner of the structure. There are no further limitations on the identity or employment of the person conducting the inspection unless otherwise provided by law. The owner shall maintain documentation of the required annual inspections, showing the date and name of the person conducting the inspection and initialed by the person conducting the inspection.

(2) Reserved.

m. Delete section 1103.5.1 Group A-2. Notwithstanding this deletion, a Group A-2 occupancy shall be equipped with an automatic sprinkler system if it was so required by another applicable section of a fire code adopted at the time of the Group A-2 occupancy's construction. Alternative means of compliance may be submitted for consideration per section 104.2.3 of the 2024 international fire code. Alternative means must be submitted to the department's fire safety bureau by a fire protection engineer for consideration of approval.

n. Delete section 1103.7.1 and insert in lieu thereof the following new section:

1103.7.1 Existing Group E occupancies shall be provided with a fire alarm system utilizing an emergency voice/alarm communication system in compliance with Section 907.5.2.2 and installed in accordance with Section 907.6. As a minimum, smoke detection will be provided in corridors at a maximum spacing of 30 feet on center, and heat or smoke detection will be provided in any hazardous or nonoccupied areas.

Exceptions:

1. A building with a maximum area of 1,000 square feet that contains a single classroom and is located no closer than 50 feet from another building.
2. Group E occupancy with an occupant load of less than 50.
3. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 are not required in Group E occupancies with occupant loads of 100 or less, provided that the activation of the fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

o. Delete section 1103.8 and insert in lieu thereof the following new section:

1103.8 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 1103.8.1 through 1103.8.4.

p. Add the following new section 1103.8.4:

1103.8.4 Smoke alarm service life. Single-station battery-operated smoke alarms will be replaced in accordance with the manufacturer's instructions.

201.8(2) The state building code in rule 661—301.8(103A) for residential construction requirements.

661—201.9(10A) Electrical installations. The provisions of the state electrical code in 661—Chapter 550 are hereby adopted by reference as the requirements for electrical installations. In addition to compliance with 661—Chapter 550, any installation of wiring and equipment will comply with requirements established by the manufacturer of the equipment serviced by the wiring.

661—201.10(10A) Existing buildings or structures. Additions to any building or structure shall comply with the requirements for new construction. Additions shall comply with the height and area provisions of Chapter 5 of the International Building Code in rule 661—301.3(103A). Alterations to any building or structure shall comply with the requirements of the International Existing Building Code in rule 661—301.7(103A) for new construction. Only portions of the structure altered or affected by the alteration are required to comply with the requirements for new construction.

661—201.11(10A) Recognition of local fire ordinances and enforcement.

201.11(1) With the exception of a health care facility subject to the requirements of rule 661—201.14(10A), a building, structure, or facility is deemed to comply if all of the following conditions are met:

a. The building, structure, or facility is in a local jurisdiction that has adopted a local fire ordinance that adopts by reference any edition of the International Fire Code, published by the International Code Council; any edition of NFPA 1, Uniform Fire Code, published by the NFPA; or the Uniform Fire Code, 1997 edition, published by the Western Fire Chiefs Association.

b. The local fire ordinance is enforced through a process of review and approval of construction plans for compliance with the local fire ordinance and a process of regular inspections for compliance with the local fire ordinance.

c. The building, structure, or facility is subject to regular fire safety inspections.

d. The local jurisdiction has verified, during its most recent inspection, including any follow-up inspections, that the building, structure, or facility complies with the local fire ordinance.

201.11(2) Notwithstanding any conflicting provisions contained in any code adopted by reference in this chapter or by any local fire ordinance, compliance with the provisions of 661—Chapter 221 is required at any location or facility in which flammable or combustible liquids are stored, handled, or used, other than incidental use.

REQUIREMENTS FOR SPECIFIC OCCUPANCIES

661—201.12(10A) Scope of rules related to specific occupancies. The provisions of this chapter related to a specific occupancy apply solely to buildings, structures, and facilities currently being used and those proposed to be used in the specific ways described in the rule governing that specific occupancy. All other buildings, structures, and facilities in which people congregate are subject to the provisions of rules 661—201.8(10A) through 661—201.11(10A) or rule 661—201.14(10A).

661—201.13(10A,135C) Residential care facilities with a three- to five-bed specialized license and facilities in which foster care is provided by agencies to fewer than six children pursuant to Iowa Code chapter 237. This rule applies to residential care facilities with a three- to five-bed specialized license pursuant to Iowa Code section 135C.2(5) and 481—Chapter 63 and facilities in which foster care is provided by agencies to fewer than six children pursuant to Iowa Code chapter 237. The following is required:

201.13(1) *Exits.*

a. A minimum of two approved exits from the main level of the home and from each level with resident sleeping rooms.

b. Interior and exterior stairways with a minimum clear width of not less than 30 inches.

201.13(2) *Windows.* For every resident sleeping room, an outside window or outside door arranged and located to permit the venting of products of combustion and access to fresh air in the event of an emergency.

a. In new construction, windows with a minimum net clear openable area of 5.7 square feet, minimum net clear openable height of 24 inches, minimum net clear openable width of 20 inches, and finished sill height not more than 44 inches above the floor.

b. In existing construction, the finished sill height not more than 44 inches above the floor or the finished sill accessible from a platform not more than 44 inches below the window sill.

201.13(3) *Interior finish.* Interior finish in an exit shall be in accordance with the IFC edition adopted in subrule 201.8(1).

201.13(4) *Doors.* A minimum of 1 ⅜-inch solid core wood or equivalent doors to resident sleeping rooms.

201.13(5) *Vertical separations.* Basement stairs enclosed with one-hour rated partitions and 1 ¾-inch solid core wood doors equipped with self-closers. These doors must be kept closed unless held open by an approved electromagnetic holder, actuated by an approved smoke detection device located at the top of the stairwell and interconnected with the alarm system.

201.13(6) *Fire detection, fire alarms, and sprinklers.*

a. Smoke detection installed on each occupied floor, including basements, in accordance with NFPA 72, as set forth in the IFC edition adopted in subrule 201.8(1). Smoke detectors shall be interconnected so that activation of any detector will sound an audible alarm throughout. The system must be tested by a competent person at least semiannually with date of test and name noted.

b. For homes in which exiting is restricted by special door-locking arrangements that prevent residents from free egress, sprinkler systems meeting the requirements of NFPA 13D, as set forth in the IFC edition adopted in subrule 201.8(1).

201.13(7) *Fire extinguishers.* Approved fire extinguishers provided on each floor, located so that a person will not have to travel more than 75 feet from any point to reach the nearest extinguisher and an

additional extinguisher provided in, or adjacent to, each kitchen or basement storage room. The type and number of portable fire extinguishers will be determined by the department.

201.13(8) *Mechanical, electrical, and building service equipment.*

a. Air conditioning, ventilating, heating, cooking, and other service equipment will be installed in accordance with the manufacturer's specifications and any pertinent state regulations, including national standards adopted therein, governing the same. All hazardous areas normally found in one- and two-family dwellings, such as laundry, kitchen, heating units and closets, need not be separated with walls if all equipment is installed in accordance with the manufacturer's specifications.

b. Portable comfort heating devices are not permitted.

201.13(9) *Attendants; evacuation plan.*

a. Every facility in which residents are present shall have at least one staff person who is at least 18 years of age and capable of performing the required duties of evacuation on the premises at all times.

b. Every facility will formulate a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees will be instructed and kept informed with respect to their duties under the plan. The plan will be posted where all employees may readily study it. Fire drills will be held at least once a month, with records retained for inspection.

201.13(10) *Smoking.*

a. There will be no smoking in resident sleeping areas, and smoking policies will be strictly enforced.

b. Any ashtrays will be constructed of noncombustible material with self-closing tops and provided in areas where smoking is permitted.

201.13(11) *Exit illumination.* Approved rechargeable battery-powered emergency lighting installed to provide automatic exit illumination in the event of failure of the normal lighting system.

201.13(12) *Accessibility.* Nonambulatory residents shall be housed only on accessible floors that have direct access to grade where the use of stairs or elevators is not required.

201.13(13) *Maintenance.*

a. All fire and life safety equipment or devices are regularly and properly maintained in an operable condition at all times in accordance with nationally recognized standards adopted herein. Such equipment and devices include fire extinguishing equipment, alarm systems, doors and their appurtenances, cords and switches, heating and ventilating equipment, sprinkler systems, and exit facilities.

b. Storerooms are maintained in a neat and proper manner at all times.

c. Excessive storage of combustible materials such as papers, cartons, magazines, paints, sprays, old clothing, furniture, and similar materials is prohibited at all times.

FIRE SAFETY REQUIREMENTS FOR HOSPITALS AND HEALTH CARE FACILITIES

661—201.14(10A) Fire safety requirements for ambulatory surgical centers, hospitals, and health care facilities.

201.14(1) *Definitions.* The following definitions apply to this rule:

"Existing" means that a facility (1) has been in continuous operation under its current classification of occupancy since before July 5, 2016, and has not undergone renovation or remodeling, including an addition, on or after July 5, 2016, or (2) received plan approval for initial construction or for its most recent renovation or remodeling project, including an addition, if any, from the building code bureau of the fire marshal division prior to July 5, 2016.

"New" means that a facility (1) commenced continuous operation under its current classification of occupancy on or after July 5, 2016, (2) has undergone renovation or remodeling, including an addition, on or after July 5, 2016, or (3) received plan approval from the building code bureau of the fire marshal division for the initial construction of the facility or the most recent renovation of or addition to the facility on or after July 5, 2016.

201.14(2) *New hospitals.* NFPA 101, Life Safety Code, 2012 edition, Chapter 18, is adopted by reference as the fire safety rules for new hospitals.

201.14(3) *Existing hospitals.* NFPA 101, Life Safety Code, 2012 edition, Chapter 19, is adopted by reference as the fire safety rules for existing hospitals.

201.14(4) *New nursing facilities and hospices.* NFPA 101, Life Safety Code, 2012 edition, Chapter 18, is adopted by reference as the fire safety rules for new nursing facilities and hospices that provide inpatient care directly.

201.14(5) *Existing nursing facilities and hospices.* NFPA 101, Life Safety Code, 2012 edition, Chapter 19, is adopted by reference as the fire safety rules for existing nursing facilities and hospices that provide inpatient care directly.

201.14(6) *New intermediate care facilities.* New intermediate care facilities shall comply with the provisions of one of the following:

a. NFPA 101, Life Safety Code, 2012 edition, Chapter 18.

b. NFPA 101, Life Safety Code, 2012 edition, Chapter 32.

201.14(7) *Existing intermediate care facilities.* Existing intermediate care facilities shall comply with the provisions of one of the following:

a. NFPA 101, Life Safety Code, 2012 edition, Chapter 19.

b. NFPA 101, Life Safety Code, 2012 edition, Chapter 33.

201.14(8) *New ambulatory surgical centers.* NFPA 101, Life Safety Code, 2012 edition, Chapter 20, is adopted by reference as the fire safety rules for new ambulatory surgical centers.

201.14(9) *Existing ambulatory surgical centers.* NFPA 101, Life Safety Code, 2012 edition, Chapter 21, is adopted by reference as the fire safety rules for existing ambulatory surgical centers.

201.14(10) *New religious nonmedical health care institutions.* NFPA 101, Life Safety Code, 2012 edition, Chapter 18, is adopted by reference as the fire safety rules for new religious nonmedical health care institutions as defined by 42 CFR Part 403 (effective as of September 1, 2024).

201.14(11) *Existing religious nonmedical health care institutions.* NFPA 101, Life Safety Code, 2012 edition, Chapter 19, is adopted by reference as the fire safety rules for existing religious nonmedical health care institutions as defined by 42 CFR Part 403 (effective as of September 1, 2024).

201.14(12) *Evacuation capability.* Any requirement contained in NFPA 101, Life Safety Code, 2012 edition, Chapters 32 or 33, that is determined on a rating of evacuation capability shall be "impractical."

SMOKE ALARMS/DETECTORS

661—201.15(10A) Scope, definitions, and requirements for smoke alarms and smoke detectors.

201.15(1) This rule applies to single-family and two-family residences, townhouses, and all other residential occupancies in commercial buildings unless otherwise provided herein or by another provision of law. This rule does not apply to nonresidential occupancies.

201.15(2) For purposes of this rule, the following definition applies:

"Approved" means that the equipment has been approved by the department or listed for a specific use by an independent testing laboratory or organization of national reputation.

201.15(3) Residential smoke alarms are required to be listed under UL 217 edition 8 or 9. Approved single-station smoke alarms are acceptable in all areas covered by this chapter unless other fire warning equipment or materials are required by any provision of rules 661—201.8(10A) through 661—201.10(10A), rules 661—201.12(10A) and 661—201.13(10A,135C), or rule 661—201.14(10A) or if a fire alarm system with smoke detection listed under UL 268 edition 8-2023 has been installed. Any single-station smoke alarm or multiple-station smoke alarm installed on or after April 1, 2010, in compliance with this subrule, including a replacement of an existing smoke alarm, shall be listed under UL 217 edition 8 or 9.

201.15(4) All devices, combinations of devices, and equipment to be installed in conformity with this chapter shall be approved and used for the purposes for which they are intended and installed in accordance with the manufacturer's recommendations. Any devices, combinations of devices, and

equipment installed on or after April 1, 2010, in compliance with this chapter, including a replacement of an existing smoke alarm, will be listed in accordance with UL 217 edition 8 or 9. Existing dual sensor smoke alarms may be maintained until replacement is recommended by the manufacturer or upon failure.

201.15(5) A combination system, such as a household fire warning system whose components may be used in whole or in part, in common with a non-fire emergency signaling system, such as a burglar alarm system or an intercom system, is not permitted or approved, except for one- or two-family dwellings.

201.15(6) Single-station battery-operated or battery backup smoke alarms shall be replaced in accordance with the manufacturer's instructions.

201.15(7) Power supplies shall be sufficient to operate the smoke detector alarm for at least four continuous minutes. Additionally:

a. In new buildings and additions constructed after July 1, 1991, required smoke alarms will receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring will be permanent and without a disconnecting switch other than that required for overcurrent protection. Smoke alarms may be solely battery-powered when installed in existing buildings; in buildings without commercial power; or in buildings presently undergoing alterations, repairs, or additions subject to 661—Chapter 550.

b. New and replacement smoke alarms installed after May 1, 1993, that receive their primary power from the building wiring will be equipped with a battery backup.

c. New and replacement smoke alarms installed after July 1, 2016, that receive their primary power from the building wiring where more than one smoke alarm is required to be installed will be interconnected in such a manner that the activation of one alarm will activate all of the alarms.

d. After June 30, 2021, a battery-powered smoke alarm listed in accordance with UL 217 edition 8 that is newly installed or replaces an existing battery-powered smoke alarm must be powered by a nonremovable, nonreplaceable battery that powers the alarm for at least ten years. The battery requirements of this subrule do not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system or that uses a low-power, radio frequency wireless communication signal.

201.15(8) The failure of any nonreliable or short-life component that renders the alarm inoperative shall be readily apparent to the occupant of the sleeping unit without the need for a test. Each smoke alarm shall detect abnormal quantities of smoke and properly operate under normal environmental conditions.

201.15(9) Installed fire warning equipment shall be mounted so as to be supported independently of its attachment to wires.

201.15(10) All apparatus shall be restored to normal immediately after each alarm or test.

201.15(11) Smoke alarms shall be located on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; in each room used for sleeping purposes; and in each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level suffices for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

201.15(12) A person who files for a homestead tax credit pursuant to Iowa Code chapter 425 shall certify that the single-family dwelling unit for which the credit is filed has a smoke alarm(s) installed in accordance with subrules 201.15(6) and 201.15(11) or that such smoke alarm(s) will be installed within 30 days of the date of filing for credit.

201.15(13) All multiple-unit residential buildings and single-family dwellings that are constructed after July 1, 1991, shall include the installation of smoke alarms meeting the requirements of this rule. All existing single-family units and multiple-unit residential buildings shall be equipped with smoke alarms or detectors as required in subrule 201.15(11).

CARBON MONOXIDE ALARMS

661—201.16(10A) Scope and definitions. The provisions of this part (rules 661—201.16(10A) and 661—201.17(10A)) apply to new and existing single-family residences, single-family rental units, and multiple-unit residential buildings. The provisions of this part do not apply to nonresidential occupancies, including but not limited to Group I and Group E occupancies. The following definitions apply to this part:

"Building" means a combination of materials, whether portable or fixed, to form a structure affording facilities or shelter for persons, animals, or property. "Building" includes any part of a building or an addition to a building.

"Carbon monoxide alarm" means one or more devices, including but not limited to combination carbon monoxide alarm/smoke alarms, that detect carbon monoxide gas for the purpose of alerting occupants by a distinct audible signal; that incorporate a sensor, control components, and an alarm notification appliance in a single unit operated from a power source either in the unit or obtained at the point of installation; and that meet the standards established by the UL.

"Carbon monoxide detection system" means a system or portion of a combination system that consists of a control unit, components, and circuits arranged to monitor and annunciate the status of carbon monoxide alarm initiating devices and to initiate the appropriate response to those signals and that meets the standards established by the UL.

"Communicating opening" means a door, window, or any other opening that allows air to be exchanged between a fuel-burning appliance or garage and a sleeping unit or dwelling unit.

"Dwelling unit" means a room or suite of rooms used for human habitation that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Existing" means buildings, facilities, or conditions that are already in existence, constructed or officially authorized prior to July 1, 2018.

"Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a byproduct of combustion.

"Fuel-burning" or *"fuel-fired"* means an appliance, heater, furnace, or fireplace that uses and combusts fuel as part of its designed use.

"Garage" or *"attached garage"* means a building or portion of a building in which motor vehicles are stored or kept.

"Listed" means equipment, materials, products, or services included in a list published by an organization acceptable to the department or local fire code official and concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

"Multiple-unit residential building" means a building that contains more than two dwelling units or sleeping units. "Multiple-unit residential building" includes but is not limited to condominiums, townhouses, co-ops, apartment houses or portions of a building or an apartment house, hotels, motels, dormitories, or rooming houses.

"Open-ended corridor" means an interior corridor that is open on each end and connects to an exterior stairway or ramp at each end with no intervening doors or separation from the corridor.

"Single-family rental unit" means a building that contains not more than two dwelling units or sleeping units that are rented or leased for living purposes.

"Single-family residence" or *"single-family dwelling"* means a building that contains not more than two dwelling units that are used, or intended or designed to be used, for living purposes.

"Sleeping unit" means a room or space in a building in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

661—201.17(10A) Requirements for carbon monoxide alarms and detection systems.

201.17(1) *Standards for carbon monoxide alarms and carbon monoxide detection systems.* All carbon monoxide alarms installed prior to July 1, 2025, shall meet the requirements of the NFPA Standard 720, 2012 edition, and be UL listed in accordance with UL 2034 edition 5 as revised August 7, 2024. All carbon monoxide alarms installed after July 1, 2025, shall meet the requirements of the NFPA Standard 72, 2022 edition. All carbon monoxide detection systems installed prior to July 1, 2025, shall meet the requirements for the NFPA Standard 720, 2012 edition; display a label or other identification issued by an approved testing agency; and be UL listed in accordance with UL 2075 edition 2 as revised August 4, 2023. All carbon monoxide detection systems installed after July 1, 2025, shall meet the requirements of the NFPA Standard 72, 2022 edition. All carbon monoxide alarms, combination carbon monoxide alarm/smoke alarms, and carbon monoxide detection systems installed under these rules must be listed with the UL.

201.17(2) *Carbon monoxide alarms required.* Carbon monoxide alarms are required in the following buildings if the building is served by a fuel-burning heater, fuel-burning furnace, fuel-burning appliance, or fuel-burning fireplace or has an attached garage.

a. Multiple-unit residential buildings and single-family residences for which construction began on or after July 1, 2018.

b. Existing single-family rental units, single-family residences, and multiple-unit residential buildings.

201.17(3) *Location.* A carbon monoxide alarm shall be installed in the following building locations:

a. In the immediate vicinity of every room used for sleeping purposes in each dwelling unit.

b. In each bedroom where a fuel-burning heater or furnace, fuel-burning appliance, or fireplace is located within the bedroom or its attached bathroom.

c. In each sleeping unit, if the sleeping unit or its attached bathroom contains a fuel-burning appliance, fuel-burning heater or furnace, or fireplace.

d. In the immediate vicinity of each sleeping unit where the sleeping unit or its attached bathroom does not contain a fuel-burning appliance, fuel-burning heater, or fireplace and is not served by a forced-air furnace.

201.17(4) *Location exceptions.* A carbon monoxide alarm is not required in the locations specified by subrule 201.17(3) when:

a. There are no communicating openings between the fuel-burning heater or furnace, fuel-burning appliance, fireplace, or attached garage and a dwelling unit or sleeping unit.

b. There are no communicating openings between the fuel-burning heater or furnace, fuel-burning appliance or fireplace and a dwelling unit or sleeping unit and when a dwelling unit or sleeping unit is located more than one story above or below an attached garage.

c. There are no communicating openings between the fuel-burning heater or furnace, fuel-burning appliance, or fireplace and a sleeping unit or dwelling unit and the attached garage connects to the building through an open-ended corridor.

d. A carbon monoxide alarm is located on the ceiling of the room containing the fuel-burning heater, fuel-burning appliance or fireplace, or in the first room or area between the fuel-burning heater, fuel-burning appliance or fireplace and the dwelling unit or sleeping unit.

201.17(5) *Forced-air furnace—exception.* A carbon monoxide alarm is not required in a dwelling unit or sleeping unit that is served by a fuel-burning forced-air furnace when a carbon monoxide alarm is located on the ceiling of the room containing the forced-air furnace or in the first room or area served by each main duct leaving the forced-air furnace and the carbon monoxide alarm signals are automatically transmitted to the occupants of each dwelling unit or sleeping unit served by the forced-air furnace.

201.17(6) *Carbon monoxide detection systems.* Commercially installed carbon monoxide detection systems that have the capability of notifying all occupants of dwelling units or sleeping units within a building are an acceptable alternative to the installation of carbon monoxide alarms and are deemed compliant with this chapter.

201.17(7) *Combination alarms.* The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with pertinent provisions of this chapter

regarding smoke detectors in addition to carbon monoxide alarm standards. A combined carbon monoxide alarm/smoke alarm shall emit different alarm signals for carbon monoxide and for smoke. Combination carbon monoxide alarm/smoke alarms are an acceptable alternative to carbon monoxide alarms.

201.17(8) *New construction—power source.* In buildings for which construction is begun on or after July 1, 2018, carbon monoxide alarms will receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring will be permanent and without a disconnecting switch other than that required for overcurrent protection and will be equipped with a battery backup.

201.17(9) *Existing buildings—power source.* New and replacement carbon monoxide alarms installed in existing buildings may be solely battery operated or may plug into an electrical socket and have a battery backup.

201.17(10) *Responsibility for installation and maintenance of carbon monoxide alarms.* It is the responsibility of the owner, owner's agent, or manager of a multiple-unit residential building, single-family residence, or single-family rental unit to install carbon monoxide alarms in accordance with this chapter. However, if a dwelling unit in a multiple-unit residential building qualifies for a homestead credit pursuant to Iowa Code chapter 425, only the owner-occupant of the dwelling unit has the responsibility to install and maintain carbon monoxide alarms in accordance with this chapter.

201.17(11) *Maintenance of carbon monoxide alarms.*

a. It is the responsibility of the owner of a multiple-unit residential building, single-family rental unit, or dwelling unit to supply and install all required carbon monoxide alarms and to ensure that the batteries are in operating condition at the time the lessee, tenant, guest, or roomer takes possession of the dwelling unit or sleeping unit. The owner is responsible for providing written information regarding carbon monoxide alarm testing and maintenance to one lessee, tenant, guest, or roomer per dwelling unit or sleeping unit.

b. An owner or manager may require a lessee, tenant, guest, or roomer who has a residency longer than 30 days to be responsible for general maintenance, including but not limited to replacement of any required batteries of the carbon monoxide alarms and testing the carbon monoxide alarms in the lessee's, tenant's, guest's, or roomer's dwelling unit or sleeping unit. The lessee, tenant, guest, or roomer is responsible for notifying the owner or manager in writing of any deficiencies that the lessee, tenant, guest, or roomer cannot correct and providing the owner or manager access to the dwelling unit or sleeping unit so that deficiencies can be corrected.

201.17(12) *Deaf or hard-of-hearing tenant.* Upon request of a tenant who is deaf or hard of hearing, an owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or the owner's agent, shall install light-emitting carbon monoxide alarms.

201.17(13) *Certification of installation required.* A person who files for a homestead credit pursuant to Iowa Code chapter 425 will certify that the dwelling unit that has a fuel-fired heater or furnace, a fuel-fired appliance, a fireplace, or an attached garage has carbon monoxide alarms installed in compliance with this chapter or that such alarms will be installed within 30 days of the date the filing for the credit is made.

201.17(14) *Inspections authorized.* Inspections may be conducted by the director; the director's subordinates; chiefs of local fire departments; state or local building inspectors; or other fire, building, or safety officials authorized by the director. Any inspections authorized under this rule are limited to the placement, repair, and operability of carbon monoxide alarms and carbon monoxide detection systems.

201.17(15) *Inoperable carbon monoxide alarms and corrective action.* Upon receiving written notification by a lessee, tenant, guest, or roomer or by the director; director's subordinates; state fire marshal; fire marshal's subordinates; a chief of a local fire department; a building inspector; or other fire, building or safety official that a carbon monoxide alarm is inoperable, the owner or manager of the multiple-unit residential building or single-family rental unit shall repair or replace the carbon monoxide alarm within 30 days. If the owner or manager fails to correct the situation within the 30 days after receipt of written notice, the tenant, guest, or roomer may cause the carbon monoxide alarm to be

repaired or may purchase and install a carbon monoxide alarm required under this chapter and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer in accordance with Iowa Code section 10A.518(7).

These rules are intended to implement Iowa Code sections 10A.511 through 10A.526 and chapters 135B, 135C, 135J, 231C, and 237.

ITEM 3. Rescind and reserve **661—Chapter 202**.

ITEM 4. Rescind and reserve **661—Chapter 205**.

ITEM 5. Rescind and reserve **661—Chapter 210**.

ITEM 6. Rescind and reserve **661—Chapter 211**.

ARC 9051C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to state building code administration and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 300, "State Building Code—Administration," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 103A.7 and 103A.23.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 103A.

Purpose and Summary

This proposed rulemaking repromulgates Chapter 300 and implements Iowa Code chapter 103A in accordance with the goals and directives of Executive Order 10.

Iowa Code section 103A.7 provides that the State Building Code Commissioner is empowered and directed to formulate, adopt, and periodically amend or revise and to promulgate, in conformity with and subject to the conditions set forth in Iowa Code chapter 103A, reasonable rules designed to establish minimum safeguards in the erection and construction of buildings and structures, to protect the human beings who live and work in them from fire and other hazards, and to establish regulations to further protect the health, safety, and welfare of the public.

Pursuant to Iowa Code section 103A.23, the Commissioner shall establish by rule a schedule of fees based upon the costs of administration and for the purpose of obtaining revenue to defray the costs of administering the provisions of Iowa Code chapter 103A. Fees shall be collected from persons whose manufacture, installation, or construction is subject to the provisions of the state building code. For the performance of building plan reviews by the Department, the Commissioner shall establish by rule a fee, chargeable to the owner of the building, and the fee shall be equal to a percentage of the estimated total valuation of the building and shall be in an amount reasonably related to the cost of conducting the review.

The policy of Iowa is to ensure the health, safety, and welfare of its citizens through the promulgation and enforcement of a state building code (Iowa Code section 103A.2), and these proposed rules aid in that policy by providing for the administration of the state building code. These proposed rules provide for the administration of the state building code through the State Building Code Bureau,

including plan review and inspections, as well as fees for the same (as provided by Iowa Code section 103A.23(1)). The Bureau has worked under this chapter for close to 20 years, conducting plan review of over $1 billion worth of construction per year. The rules also provide guidelines for local jurisdictions to enforce the building code. All of the rules in this chapter support the State's policy of ensuring the health, safety, and welfare of Iowa citizens.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 29, 2025

No members of the public attended the public hearing, and no written or oral comments were received in response to the Regulatory Analysis. A public meeting of the Iowa Building Code Advisory Council was held on January 23, 2025, and the Council generally expressed approval of this rulemaking, contingent on further review prior to final approval by the Council.

Clarifying and grammatical changes have been made since publication of the Regulatory Analysis.

Fiscal Impact

This rulemaking has no fiscal impact in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on April 23, 2025. Comments should be directed to:

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 10 to 10:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa
April 23, 2025 2:30 to 3 p.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa

Virtual participation information will be made available on the Department's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 300 and adopt the following **new** chapter in lieu thereof:

CHAPTER 300
STATE BUILDING CODE—ADMINISTRATION

661—300.1(103A) State building code promulgated; definitions. The definitions set forth in Iowa Code section 103A.3 are incorporated herein by reference. Iowa Code section 103A.7 empowers and directs the commissioner to adopt and promulgate the state building code, with the approval of the council, except that adoption of the state historic building code requires the approval of the state historical society board, rather than the council, pursuant to Iowa Code section 103A.41. The state building code includes 661—Chapters 16, 300, 301, 322 and 323.

661—300.2(103A) Building code commissioner. The commissioner appointed pursuant to Iowa Code section 103A.4 will adopt, and amend as needed, the state building code with the approval of the council and the state historic building code with the approval of the state historical society board; appoint the board of review from among the council membership; consider any request for the use of alternate materials or methods of construction submitted to the building code bureau pursuant to Iowa Code section 103A.13; and either disapprove each such request or recommend approval of the request to the council.

661—300.3(103A) Building code advisory council. The council appointed pursuant to Iowa Code section 103A.14 will consider amendments to the state building code proposed by the commissioner, other than amendments to the state historic building code; approve or disapprove any changes to the state building code proposed by the commissioner; and consider and approve or disapprove any requests for use of alternate materials or methods of construction, the approval of which has been recommended to the council by the commissioner.

661—300.4(103A) Plan reviews.

300.4(1) *Plans and specifications review—approvals.*

a. Submissions to the commissioner of architectural technical documents, engineering documents, and plans and specifications are the responsibility of the owner of a building or facility. The submission may be completed by an authorized agent of the owner or the responsible design professional.

b. "Responsible design professional" means a registered architect or licensed professional engineer who signs the documents submitted.

c. Plans, specifications, and other supporting information have to be sufficiently clear and complete to show in detail that the proposed work will comply with the requirements of the applicable provisions of the state building code.

d. In Sections 107.1 and 107.2.6 of the International Building Code, 2024 edition, the word "permit" is replaced by the words "plan review."

e. Submittals to the commissioner have to be certified or stamped and signed according to Iowa Code chapters 542B and 544A unless the applicant has certified on the submittal a specific exception

under Iowa Code section 544A.18 and the submittal does not constitute the practice of professional engineering as defined by Iowa Code section 542B.2.

f. Plans and specifications for projects subject to plan review by the commissioner have to be submitted in a format specified on the plan review submittal form.

g. Architectural technical submissions; engineering documents; and plans and specifications for construction, renovation, or remodeling of all state-owned buildings or facilities, including additions to existing buildings, have to be submitted to the commissioner for review and comment. A written response by the design professional indicating corrective measures taken to address the commissioner's plan review comments has to be submitted to and approved by the commissioner prior to the issuance of construction documents for bidding. Bidding may commence on a project after the preliminary meeting provided for in subrule 300.4(3) if all items on the preliminary meeting checklist have been resolved to the satisfaction of the commissioner.

h. Architectural technical submissions; engineering documents; and plans and specifications for the initial construction of any building or facility that will not be wholly owned by the state or an agency of the state have to be submitted to the commissioner for review and comment, if the construction is financed in whole or in part with funds appropriated by the state and there is no local building code in effect in the local jurisdiction in which the construction is planned or, if there is such a local building code in effect, it is not enforced through a system that includes both plan reviews and inspections. A written response by the design professional indicating corrective measures taken to address the commissioner's plan review comments has to be submitted to and approved by the commissioner prior to the issuance of construction documents for bidding. Bidding may commence on a project after the preliminary meeting provided for in subrule 300.4(3) if all items on the preliminary meeting checklist have been resolved to the satisfaction of the commissioner.

i. Architectural technical submissions; engineering documents; and plans and specifications for construction, renovation, or remodeling of all buildings or facilities, including additions to existing buildings, to which the state building code applies, other than those subject to paragraph *"g"* or *"h,"* have to be submitted to the commissioner for review and comment unless applicability of the state building code is based upon a local ordinance enacted pursuant to Iowa Code section 103A.12. A written response by the design professional indicating corrective measures taken to address the commissioner's plan review comments has to be submitted to and approved by the commissioner prior to the issuance of construction documents for bidding. Bidding may commence on a project after the preliminary meeting provided for in subrule 300.4(3) if all items on the preliminary meeting checklist have been resolved to the satisfaction of the commissioner.

j. If the state building code applies to a construction project based upon a local ordinance adopting the state building code, the submission has to be made to the local jurisdiction, provided that the local jurisdiction has established a building department, unless the local jurisdiction requires submission to the commissioner. Review and approval of such documents by the commissioner are at the discretion of the commissioner based upon available resources.

k. A life cycle cost analysis will be needed for new public projects and additions over 20,000 square feet or a renovation that exceeds 50 percent of the value of the building pursuant to Iowa Code chapter 470 and will be submitted to the commissioner before construction commences. The department has developed life cycle cost analysis guidelines to assist architects and engineers in completing this analysis, and these guidelines are available on the department's website or upon request.

l. Any necessary energy code review pursuant to 661—Chapter 301, Part 3, will be completed prior to approval.

300.4(2) *Copies and fees.* 661—Chapters 16 and 322 describe fees pertaining to factory-built structures.

a. Codes and standards adopted by reference in the state building code that are published by other organizations, including but not limited to the American National Standards Institute, the International Code Council, the International Association of Plumbing and Mechanical Officials, and the National Fire Protection Association, may be purchased from the publishing organization. A copy of each code or standard adopted by reference in the state building code has been deposited in the Iowa state law library.

b. The fees for plan reviews completed by the building code bureau are calculated as follows:

Estimated Construction Costs	**Calculation of Plan Review Fee**
Up to and including $1 million	$.58 per thousand dollars or fraction thereof (minimum fee $200)
More than $1 million	$580 for the first $1 million plus $.32 for each additional thousand dollars or fraction thereof
The plan review fees for fire suppression systems and fire alarm systems are separate fees and are calculated as follows:	
Fire Protection System Costs	**Plan Review Fee**
Fire suppression systems whose construction cost for materials and installation is calculated to be up to and including $5,000	$100
Fire suppression systems whose construction cost for materials and installation is calculated to be more than $5,000 and up to and including $20,000	$200
Fire suppression systems whose construction cost for materials and installation is estimated to be more than $20,000	$400
Fire alarm systems whose construction cost for materials and installation is calculated to be up to and including $5,000	$100
Fire alarm systems whose construction cost for materials and installation is calculated to be more than $5,000 and up to and including $20,000	$200
Fire alarm systems whose construction cost for materials and installation is estimated to be more than $20,000	$400

Payment of the assigned fee has to accompany each plan when submitted for review. Payment may be made by money order, check, or draft made payable to the Treasurer, State of Iowa.

NOTE: Plan review fees for assisted living projects are contained in Iowa Code section 231C.18(2) *"c."* Elder group home plan review fees are contained in Iowa Code section 231B.17. Adult day services plan review fees are contained in Iowa Code section 231D.4.

c. A person who has submitted a plan for review for which a fee has been assessed pursuant to paragraph 300.4(2)*"b"* is eligible to receive a refund of the fee if the plan has not been approved or rejected within 60 calendar days of its receipt by the building code bureau. A person who believes that a refund is due may notify the commissioner, who will provide a form to request a refund. If the request for refund is approved, the commissioner will cause a check for the amount of the refund to be issued to the individual or organization that originally paid the fee. If the original submission of the plan is incomplete, the fee will be refunded only if the plan has not been approved or rejected within 60 days of a full and complete submission of the plan. "Approved or rejected within 60 days" means that a letter approving or rejecting the plan has been presented or mailed to the submitter within 60 days of the date of receipt by the building code bureau, within the meaning of "time" as defined in Iowa Code section 4.1.

300.4(3) *Preliminary meeting.* The responsible design professional for a project shall contact the building code bureau to schedule a preliminary meeting to discuss code compliance issues early in the design development phase. There is no separate fee for a preliminary meeting. If the responsible design professional plans to request approval to bid the project as part of the preliminary meeting, that person has to request a copy of the document "Preliminary Meeting Checklist" at the time the meeting is scheduled and be prepared to address all applicable issues identified on the checklist at the preliminary meeting. Approval to bid the project will not be given unless all applicable issues identified on the checklist have been addressed to the satisfaction of the commissioner.

300.4(4) *Requests for staged approvals.*

a. Requests for approval to begin foundation work shall be submitted to the building code bureau in writing and may be transmitted by mail, email, or fax or in person. Foundation approval may be granted by the bureau in writing, following a preliminary meeting, if the construction plans and specifications are in compliance with the requisite code provisions.

b. Requests for approval to continue construction beyond the foundation, up to and including the shell of the building, shall be submitted to the bureau in writing and may be transmitted by mail, email, or fax or in person. These requests will be evaluated on a case-by-case basis, and approval or denial of the requests will be transmitted to the submitter in a written form.

300.4(5) *Fast-track projects.* While fast-track projects are not encouraged and will only be approved on the basis of good cause shown, fast-track projects may be considered by the commissioner on a case-by-case basis. If a fast-track project is initially approved, a written plan of submittal, review and approval will be developed for each project. A full set of construction documents are needed for a full review and approval in a timely manner.

661—300.5(103A) Inspections.

300.5(1) Any building or facility for which construction is subject to a plan review by the commissioner, except construction involving any building or facility owned by the board of regents or by any institution subject to the authority of the board of regents, is subject to inspection by the commissioner or staff of the bureau or division at the direction of the commissioner or by a third party with whom the commissioner contracts to conduct inspections of buildings and facilities subject to the state building code.

EXCEPTION: Construction that is limited to building renovations or repairs is not subject to inspection by the commissioner.

300.5(2) Any construction involving any building or facility owned by the board of regents or by an institution subject to the authority of the board of regents is subject to inspection by the commissioner or staff of the bureau or division at the direction of the commissioner.

EXCEPTION: Construction that is limited to building renovations or repairs is not subject to inspection by the commissioner.

300.5(3) Buildings subject to inspection by the commissioner, except construction involving any building or facility owned by the board of regents or by any institution subject to the authority of the board of regents, shall pay an inspection fee based upon the construction cost of the project. The inspection fee is calculated as follows:

Construction Cost	**Base Inspection Fee**
Up to $100,000	$598
$100,001 to $1,000,000	$645
$1,000,001 to $10,000,000	$722
$10,000,001 and above	$783
Follow-up inspection	$214

The base inspection fee covers three inspections—a foundation, rough-in, and final. The base inspection fee is due and payable at the time completed construction documents are submitted for review. The plan review will not be conducted until the proper base inspection fee is paid. Checks should be made payable to the Treasurer, State of Iowa, and delivered to the bureau office. This fee is separate and distinct from the plan review fee established in subrule 300.4(2).

Additional inspections may occur for any of the following reasons:

a. During one of the three base inspections, code violations are identified that require that a follow-up inspection be conducted to verify that the violations have been corrected.

b. The inspector finds that the project is not ready for the type of inspection requested.

c. By special request of the project designer, contractor, or owner.

d. Upon order of the building code commissioner (no additional charge).

The fee for each additional inspection is calculated as follows:

One hour on site = $206
One to two hours on site = $240
Two to three hours on site = $273
Three to four hours on site = $307
Four to five hours on site = $341
Five to six hours on site = $374

Additional inspection fees will be billed to the responsible architect or building contractor on a monthly basis. The building may receive only temporary approval for occupancy if unpaid inspection fees remain at the time of final inspection.

Inspection fees and standard operating procedures for construction involving any building or facility owned by the board of regents or by any institution subject to the authority of the board of regents will be established through a written agreement between the commissioner and the board of regents.

300.5(4) Any person who performs a building code inspection on behalf of the building code commissioner will have and maintain one of the following: (1) current certification as a commercial building inspector by the International Code Council, or (2) other equivalent certification approved by the building code commissioner. An employee of the department who performs an inspection on behalf of the building code commissioner will, in addition, meet any requirements for the job class in which the employee is classified as established by the department of administrative services, pursuant to Iowa Code chapter 8A, subchapter IV, part 2.

EXCEPTION: An employee of the department who performs inspections on behalf of the building code commissioner may perform such inspections for no more than six months prior to obtaining certification.

661—300.6(103A) Local code enforcement. Provisions of the state building code applicable statewide or applicable in a local jurisdiction that has adopted the state building code by local ordinance may be enforced by the local jurisdiction.

Any local jurisdiction that adopts the state building code by local ordinance may further adopt provisions for the administration and enforcement of the building code by the local jurisdiction. These provisions may include administrative provisions contained in the codes adopted by reference as part of the state building code and may include other provisions at the discretion of the local jurisdiction.

300.6(1) *Creation of department.* There may be established within the governmental subdivision a "building department" that is under the jurisdiction of the building official designated by the appointing authority. Within the state building code, including publications adopted by reference within the state building code, the terms "administrative authority," "authority having jurisdiction," and "authorized representative" mean the building official. The local governmental subdivision must inform the state building code bureau, in writing transmitted by mail, email, or fax, when it establishes or dissolves a building department.

300.6(2) *Powers and duties of building official.* The building official in those governmental subdivisions establishing a building department will enforce all the provisions of any applicable building code as prescribed by local law or ordinance and as outlined by Iowa Code section 103A.19.

300.6(3) *Permits only.* Any governmental subdivision that has not established a building department but requires a permit to construct or an occupancy permit or both is known as the "issuing authority."

300.6(4) *Statement of compliance with energy conservation requirements.* Any application for a building permit, except for applications to renovate or remodel residential buildings of one or two units, shall include a statement that the construction will comply with all applicable energy conservation requirements.

These rules are intended to implement Iowa Code chapter 103A.

ARC 9052C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to state building code and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 301, "State Building Code—General Provisions," and to adopt a new Chapter 301, "State Building Code," and to rescind Chapter 302, "State Building Code—Accessibility of Buildings and Facilities Available to the Public," Chapter 303, "State Building Code—Requirements for Energy Conservation in Construction," Chapter 310, "Sustainable Design Standards," Chapter 315, "Weather Safe Rooms," and Chapter 350, "State Historic Building Code," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 103A.7 through 103A.8C, 103A.41, 104A.2, and 470.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 103A, 104A, and 470.

Purpose and Summary

This proposed rulemaking repromulgates Chapters 301 through 303, 310, 315, and 350 into one combined chapter and implements Iowa Code chapters 103A, 104A, and 470 in accordance with the goals and directives of Executive Order 10.

Iowa Code section 103A.7(1) provides that the State Building Code Commissioner is empowered and directed to formulate, adopt, and periodically amend or revise and to promulgate, in conformity with and subject to the conditions set forth in Iowa Code chapter 103A, reasonable rules designed to establish minimum safeguards in the erection and construction of buildings and structures, to protect the human beings who live and work in them from fire and other hazards, and to establish regulations to further protect the health, safety, and welfare of the public.

Pursuant to Iowa Code section 103A.7(2), the rules shall include reasonable provisions for the following: (1) the installation of equipment; (2) the standards or requirements for materials to be used in construction; (3) the manufacture and installation of factory-built structures; (4) protection of the health, safety, and welfare of occupants and users; (5) the accessibility and use by persons with disabilities and elderly persons of buildings, structures, and facilities that are constructed and intended for use by the general public (consistent with federal standards for building accessibility and applying only to those buildings, structures, and facilities subject to Iowa Code chapter 104A); (6) the conservation of energy through thermal efficiency standards for buildings intended for human occupancy that are heated or cooled and lighting efficiency standards for buildings intended for human occupancy that are lighted; (7) standards for sustainable design, also known and referred to as green building standards; and (8) standards for safe rooms and storm shelters.

Pursuant to Iowa Code section 103A.8A, the Commissioner shall adopt as a part of the State Building Code a requirement that new single-family or two-family residential construction shall comply with energy conservation requirements.

Pursuant to Iowa Code section 103A.8B, the Commissioner shall adopt rules specifying standards and requirements for sustainable design and construction based upon or incorporating nationally recognized ratings, certifications, or classification systems and procedures relating to documentation of compliance. The standards and requirements shall be incorporated into the State Building Code but, in

lieu of general applicability, shall apply to construction projects only if such applicability is expressly authorized by statute or as established by another state agency by rule.

Pursuant to Iowa Code section 103A.8C, the Commissioner shall adopt rules specifying standards and requirements for design and construction of safe rooms and storm shelters. The standards and requirements shall be incorporated into the state building code but shall not be interpreted to require the inclusion of a safe room or storm shelter in a building construction project unless such inclusion is expressly required by another statute or by a federal statute or regulation.

Additionally, Iowa Code section 103A.41 provides that the Commissioner shall adopt alternative building standards and building regulations for the rehabilitation; preservation; restoration, including related reconstruction; and relocation of buildings or structures designated by state agencies or governmental subdivisions as qualified historic buildings that are included in, or appear to meet criteria for inclusion in, the national register of historic places. The purpose of the state historic building code is to facilitate the restoration or change of occupancy of qualified historic buildings or structures to preserve their original or restored architectural elements and features and, concurrently, to provide reasonable safety from fire and other hazards for the occupants and users through a cost-effective approach to preservation.

Iowa Code section 104A.2 provides that the standards and specifications adopted by the Commissioner and as set forth in Iowa Code chapter 104A (accessibility for persons with disabilities) shall apply to all public and private buildings and facilities, temporary and permanent, used by the general public. The specific occupancies and minimum extent of accessibility shall be in accordance with the conforming standards set forth in Iowa Code section 104A.6. In every covered multiple-dwelling-unit building containing four or more individual dwelling units, the requirements of Iowa Code chapter 104A and those adopted by the Commissioner shall be met. However, Iowa Code chapter 104A shall not apply to a building, or to structures or facilities within the building, if the primary use of the building is to serve as a place of worship.

Finally, Iowa Code section 470.2 states that on or after May 26, 2016, a public agency responsible for the construction or renovation of a facility (which Iowa Code section 470.1(7) defines as a building having 20,000 square feet or more of usable floor space that is heated or cooled by a mechanical or electrical system) or the construction of an addition shall, in a design begun after that date, include as a design criterion the requirement that a life cycle cost analysis be conducted for the facility.

Currently, rules implementing the above statutes are spread across six chapters (301 (general provisions), 302 (accessibility), 303 (energy conservation), 310 (sustainable design), 315 (weather safe rooms), and 350 (historic building code)). This proposed rulemaking consolidates those six chapters into one chapter. Additionally, many currently adopted standards in those chapters are outdated editions, and this rulemaking updates many of them to 2024 editions in conformity with the statutory directives above, including to establish minimum safeguards in the erection and construction of buildings and structures; to protect the human beings who live and work in them from fire and other hazards; and to establish regulations to further protect the health, safety, and welfare of the public.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 29, 2025

No members of the public attended the public hearing, and no written or oral comments were received in response to the Regulatory Analysis. A public meeting of the Iowa Building Code Advisory Council was held on January 23, 2025, and the Council generally expressed approval of this rulemaking, contingent on further review prior to final approval by the Council.

Minor changes were made to the adoption by reference of the International Residential Code in rule 661—301.8(103A) to correct numbering of amendments and to remove outdated language that does not have any identifiable function in the current adopted standard. Additional clarifying and grammatical changes have been made from the Regulatory Analysis.

Fiscal Impact

This rulemaking has no fiscal impact in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on April 23, 2025. Comments should be directed to:

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 10 to 10:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa
April 23, 2025 2:30 to 3 p.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa

Virtual participation information will be made available on the Department's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 301 and adopt the following **new** chapter in lieu thereof:

CHAPTER 301
STATE BUILDING CODE

PART 1
GENERAL PROVISIONS

661—301.1(103A) Scope and applicability. The provisions of this chapter apply to buildings and facilities subject to the state building code pursuant to Iowa Code chapter 103A, including sections 103A.10 and 103A.12, and provisions of state or federal law other than Iowa Code chapter 103A.

661—301.2(103A) Definitions. The definitions set forth in Iowa Code section 103A.3 are incorporated herein by reference. Additionally:

"Appropriated by the state of Iowa" means funds that are included in a bill enacted by the Iowa general assembly and signed by the governor or that are appropriated in a provision of the Iowa Code.

"Board of appeals" means the local board of appeals as created by local ordinance.

"Building component" means any part, subsystem, subassembly, or other system designed for use in, or as a part of, a structure, including but not limited to the following: structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

"Building department" means an agency of any governmental subdivision charged with the administration, supervision, or enforcement of building regulations, prescribed or required by state or local building regulations.

"Building system" means plans, specifications and documentation for a system of manufactured factory-built structures or buildings or for a type or a system of building components, including but not limited to the following: structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

"Bureau" means the building code bureau of the department of inspections, appeals, and licensing.

"Construction cost" means the total cost of the work to the owner of all elements of the project designed or specified by the design professional including the cost at current market rates of labor and materials furnished by the owner and equipment designed, specified or specifically provided by the design professional. Construction costs include the costs of management or supervision of construction or installation provided by a separate construction manager or contractor, plus a reasonable allowance for each construction manager's or contractor's overhead and profit.

"Enforcement authority" means any state agency or political subdivision of the state that has the authority to enforce the state building code.

"Label" means an approved device affixed to a factory-built structure or building, or building component, by an approved agency, evidencing code compliance.

"Listing agency" means an agency approved by the commissioner that is in the business of listing or labeling, that maintains a periodic inspection program on current production of listed models, and that makes available timely reports of such listing including specific information verifying that the product has been tested to approved standards and found acceptable for use in a specified manner.

"Responsible design professional" means a registered architect or licensed professional engineer who stamps and signs the documents submitted, pursuant to Iowa Code chapters 542B and 544A.

"State fire code" means administrative rules adopted by the director of the department of inspections, appeals, and licensing in consultation with the state fire marshal, pursuant to Iowa Code section 10A.511.

"State mechanical code" means the state mechanical code adopted by the state plumbing and mechanical systems board, pursuant to Iowa Code chapter 105.

"State plumbing code" means the state plumbing code adopted by the state plumbing and mechanical systems board, pursuant to Iowa Code chapter 105.

661—301.3(103A) General provisions. The provisions of the International Building Code, 2024 edition, published by the International Code Council, www.iccsafe.org, are hereby adopted by reference as the general requirements for building construction, with the following amendments:

301.3(1) Delete section 101.1.

301.3(2) Delete section 101.2 and insert in lieu thereof the following new section:

101.2 Scope. The provisions of this code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code, as amended by rule 661—301.8(103A).

301.3(3) Delete sections 101.4.1 through 101.4.6.

301.3(4) Delete section 102.6 and insert in lieu thereof the following new section:

102.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code is permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the building code commissioner for the general safety and welfare of the occupants and the public.

301.3(5) Delete sections 103, 104, 105 and sections therein.

301.3(6) Delete section 106.2.

301.3(7) Delete section 107.1 and insert in lieu thereof the following new section:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, a geotechnical report and other data shall be submitted in one or more sets with each plan review application. The construction documents shall be prepared by a responsible design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the commissioner is authorized to require additional construction documents to be prepared by a responsible design professional.

Exception: The commissioner may waive the submission of construction documents and other data if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

301.3(8) Delete sections 107.3, 107.4, and 107.5 and sections therein.

301.3(9) Delete sections 109, 110, 111, 112, 113, 114, 115, and 116 and sections therein.

301.3(10) Add the following to section 202, Definitions:

"Cabin Building." A residential building or structure the use of which is transient in nature and which is used for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code.

301.3(11) Add the following to section 310.2:

Cabin buildings.

301.3(12) Add the following new section 408.9.1:

408.9.1 Windowed Buildings. Plans and specifications for windowed buildings or portions of windowed buildings shall include a rational analysis demonstrating a tenable environment for exiting from the smoke compartment in the area of fire origin.

301.3(13) Delete section 423 in its entirety and insert in lieu thereof the following new section:

423 Storm Shelters.

423.1 General. Any storm shelter or weather safe room as defined by rule 661—301.38(103A) shall comply with ICC 500-2014.

423.1.1 Scope. In accordance with 661—Chapter 315, this section applies to storm shelters and weather safe rooms constructed on or after January 1, 2011. This section does not require the construction of a weather safe room or rooms for any construction project but does establish standards for design and construction of storm shelters and weather safe rooms when their construction is required by another statute, federal statute or regulation, or is incorporated voluntarily in a construction project.

301.3(14) Delete section 903.2.8, except for subsections 903.2.8.1 through 903.2.8.3, and insert in lieu thereof the following new section:

903.2.8 Group R. An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Cabin buildings that are located in remote areas without a sufficient municipal water supply for design of a fire sprinkler system and that meet all of the following:

1. Not more than one story.
2. Not more than 750 square feet in floor area.
3. Fuel-fired heating equipment and other fuel-fired appliances are separated from sleeping areas by a one-hour fire-rated assembly.
4. Provided with fire alarm and smoke alarm systems in accord with 907 for R-1 occupancies.
5. No basements.
6. Maintain a fire separation of 20 feet from any other building or structure.
7. Comply with all applicable requirements of the state building code.

301.3(15) Delete section 907.2.3 and insert in lieu thereof the following new section:

907.2.3 Group E. In the absence of a complete automatic sprinkler system, a complete automatic detection system utilizing an emergency voice/alarm communication system shall be installed throughout the entire Group E occupancy. A Group E occupancy with a complete automatic sprinkler system shall be provided with a fire alarm system utilizing an emergency voice/alarm communication system in compliance with section 907.5.2.2 and installed in accordance with section 907.6. Smoke detection shall be provided in corridors at a maximum spacing of 30 feet on center, and heat or smoke detection provided in any hazardous or nonoccupied areas.

Exceptions:

1. Group E occupancies with an occupant load of less than 50.
2. Manual fire alarm boxes are not necessary in Group E occupancies where all of the following apply:

2.1. Interior corridors are protected by smoke detectors with alarm verification.

2.2. Auditoriums, cafeterias, gymnasiums and the like are protected by heat detectors or other approved detection devices.

2.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

2.4. Off-premises monitoring is provided.

2.5. The capability to activate the evacuation signal from a central point is provided.

2.6. In buildings where normally occupied spaces are provided with a two-way communication system between such spaces and a constantly attended receiving station from which a general evacuation alarm can be sounded, except in locations specifically designated by the fire code official.

3. Manual fire alarm boxes are not necessary in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system, the notification appliances will activate on sprinkler water flow, and manual activation is provided from a normally occupied location.

4. Emergency voice/alarm communication systems meeting the requirements of section 907.5.2.2 and installed in accordance with section 907.6 are not necessary in Group E occupancies with occupant loads of 100 or less, provided that activation of the fire alarm system initiates an approved occupant notification signal in accordance with section 907.5.

301.3(16) Add the following new section 1003.8:

1003.8 Frost Protection. Exterior landings at doors shall be provided with frost protection.

301.3(17) Add the following new section 1027.5.1:

1027.5.1 Exit Discharge Pathways. Exit discharge pathways shall be paved from all exits of the building to the public way.

301.3(18) Delete section 1030.1.1 and insert in lieu thereof the following new section:

1030.1.1 Bleachers, grandstands, and folding and telescopic seating that are not building elements shall comply with ICC-300, Standard for Bleachers, Folding and Telescopic Seating, and Grandstands, 2012 edition, with the following amendments to ICC-300:

a. Delete section 105.2 and insert in lieu thereof the following new section:

105.2 Yearly inspection. All bleachers and folding and telescopic seating installed on or after December 1, 2011, shall be inspected at least once a year in order to verify that the structure is maintained in compliance with the provisions of this standard. All folding and telescopic seating shall also be inspected to evaluate compliance with the manufacturer's installation and operational instructions during the opening and closing of such seating. Any inspection conducted in compliance with this section may be conducted by any knowledgeable person including, but not limited to, a person who has been instructed by the manufacturer or installer as to procedures and standards for inspections of the structure being inspected and including, but not limited to, the owner of the structure or an employee of the owner of the structure. There are no further restrictions on the identity or employment of the person conducting the inspection unless otherwise provided by law. The owner shall maintain documentation of the required annual inspections, showing the date and name of the person conducting the inspection and initialed by the person conducting the inspection.

b. Delete section 501.2 and insert in lieu thereof the following new section:

501.2 Inspections. All tiered seating that was installed prior to December 1, 2011, shall be inspected at least once a year. The inspection may be conducted by any knowledgeable person including, but not limited to, a person who has been instructed by the manufacturer or installer as to procedures and standards for inspections of the structure being inspected and including, but not limited to, the owner of the structure or an employee of the owner of the structure. There are no further restrictions on the person conducting the inspection unless otherwise provided by law. All folding and telescopic seating shall be inspected to evaluate compliance with the manufacturer's installation and operational instructions and be inspected during the opening and closing of such seating. The owner shall maintain documentation of the inspections, which show the date and name of the person conducting the inspection and are initialed by the person conducting the inspection.

301.3(19) Add the following new section 1100:

1100. Any building or facility in compliance with the applicable requirements of 661—Chapter 301, Part 2, is in compliance with any applicable requirements contained in the International Building Code concerning accessibility for persons with disabilities.

301.3(20) Delete chapter 29.

301.3(21) Amend section 3001.3 by adding the following new unnumbered paragraph after the introductory paragraph:

Notwithstanding the references in Chapter 35 to editions of national standards adopted in this section, any editions of these standards adopted by the elevator safety board in 875—Chapter 72 are hereby adopted by reference. If a standard is adopted by reference in this section and there is no adoption by reference of the same standard in 875—Chapter 72, the adoption by reference in this section is of the edition identified in Chapter 35.

301.3(22) Delete appendices A, B, D, E, F, G, H, I, J, K, L, M, N, O, and P.

301.3(23) Retain Appendix C, Group U Agricultural Buildings.

301.3(24) Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code".

301.3(25) Delete all references to the "International Fuel Gas Code" and insert in lieu thereof "rule 661—301.9(103A)".

301.3(26) Delete all references to the "International Mechanical Code" and insert in lieu thereof "state mechanical code".

301.3(27) Delete all references to the "International Residential Code" and insert in lieu thereof "rule 661—301.8(103A)".

301.3(28) Delete all references to the "International Energy Conservation Code" and insert in lieu thereof "661—Chapter 301, Part 3".

301.3(29) *Hospitals and health care facilities.*

a. A hospital, as defined in rule 661—201.2(10A), that is required to meet the provisions of the state building code is in compliance with the fire safety requirements of the state building code if the hospital is in compliance with the provisions of rule 661—201.14(10A). In any other case in which an

applicable requirement of the Life Safety Code, adopted in 661—subrule 201.14(2), is inconsistent with an applicable requirement of the state building code, the hospital is in compliance with the state building code requirement if the Life Safety Code requirement is met.

b. A nursing facility or hospice, as defined in rule 661—201.2(10A), that is required to meet the provisions of the state building code is in compliance with the fire safety requirements of the state building code if the nursing facility or hospice is in compliance with the provisions of rule 661—201.14(10A). In any other case in which an applicable requirement of the Life Safety Code, adopted in 661—subrule 201.14(2), is inconsistent with an applicable requirement of the state building code, the nursing facility or hospice is in compliance with the state building code requirement if the Life Safety Code requirement is met.

c. An intermediate care facility, as defined in rule 661—201.2(10A), that is required to meet the provisions of the state building code is in compliance with the fire safety requirements of the state building code if the intermediate care facility is in compliance with the provisions of rule 661—201.14(10A). In any other case in which an applicable requirement of the Life Safety Code, as adopted in 661—subrule 201.14(2), is inconsistent with an applicable requirement of the state building code, the intermediate care facility is in compliance with the state building code requirement if the Life Safety Code requirement is met.

d. An ambulatory surgical center, as defined in rule 661—201.2(10A), that is required to meet the provisions of the state building code is in compliance with the fire safety requirements of the state building code if the ambulatory surgical center is in compliance with the provisions of rule 661—201.14(10A). In any other case in which an applicable requirement of the Life Safety Code, as adopted in 661—subrule 201.14(2), is inconsistent with an applicable requirement of the state building code, the ambulatory surgical center is in compliance with the state building code requirement if the Life Safety Code requirement is met.

e. A religious nonmedical health care institution that is required to meet the provisions of the state building code is in compliance with the provisions of the state building code if the institution is in compliance with the provisions of rule 661—201.14(10A). In any other case in which an applicable requirement of the Life Safety Code, as adopted in 661—subrule 201.14(2), is inconsistent with an applicable requirement of the state building code, the religious nonmedical health care institution is in compliance with the state building code requirement if the Life Safety Code requirement is met.

661—301.4(103A) Mechanical requirements. The provisions of the state mechanical code, 641—Chapter 61, as adopted and amended by the state plumbing and mechanical systems board pursuant to Iowa Code chapter 105 are hereby adopted by reference as the requirements for mechanical installations.

661—301.5(103A) Electrical requirements. The provisions of the state electrical code, as adopted and amended in 661—Chapter 550, are hereby adopted by reference as the requirements for electrical installations.

661—301.6(103A) Plumbing requirements.

301.6(1) Provisions of the state plumbing code, 641—Chapter 25, adopted by the state plumbing and mechanical systems board pursuant to Iowa Code chapter 105, apply to plumbing installations in this state.

301.6(2) Factory-built structures, as referenced by Iowa Code section 103A.10(3), that contain plumbing installations are allowed to comply with either the state plumbing code or with the International Plumbing Code, 2015 edition, published by the International Code Council, located at www.iccsafe.org. The manufacturer's data plate must indicate which plumbing code was utilized for compliance with this rule, as set forth in 661—paragraph 16.610(15)*"e."*

301.6(3) Private sewage disposal systems shall comply with 567—Chapter 69.

661—301.7(103A) Existing buildings. The provisions of the International Existing Building Code, 2024 edition, published by the International Code Council, located at www.iccsafe.org, are hereby

adopted by reference as the requirements for repair, alteration, change of occupancy, addition, and relocation of existing buildings, with the following amendments:

301.7(1) Delete section 101.1.

301.7(2) Delete section 101.4.2 and insert in lieu thereof the following new section:

101.4.2 Buildings Previously Occupied. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the commissioner for the general safety and welfare of the occupants and the public.

301.7(3) Delete sections 101.5 and 101.6.

301.7(4) Delete sections 103, 104, and 105.

301.7(5) Delete sections 106.1, 106.3, 106.4, 106.5, and 106.6.

301.7(6) Delete sections 108, 109, 110, 112, 113, 114, 115, 116 and 117.

301.7(7) Delete section 306.

301.7(8) Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code".

301.7(9) Delete all references to the "International Fuel Gas Code" and insert in lieu thereof "rule 661—301.9(103A)".

301.7(10) Delete all references to the "International Mechanical Code" and insert in lieu thereof "state mechanical code".

301.7(11) Delete all references to the "International Building Code" and insert in lieu thereof "rule 661—301.3(103A)".

301.7(12) Delete all references to the "International Residential Code" and insert in lieu thereof "rule 661—301.8(103A)".

301.7(13) Delete all references to the "International Fire Code" and insert in lieu thereof "state fire code".

661—301.8(103A) Residential construction requirements. The provisions of the International Residential Code, 2024 edition, published by the International Code Council, located at www.iccsafe.org, are hereby adopted by reference as the requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures, with the following amendments:

301.8(1) Delete section R101.1.

301.8(2) Delete sections R103 through R114 and sections therein.

301.8(3) NOTE: The values for Table R301.2 are determined by the location of the project and referenced footnotes from Table R301.2.

301.8(4) Amend section R306.1.7 by striking the words "Chapter 3 of the International Private Sewage Disposal Code" and inserting in lieu thereof "567—Chapter 69".

301.8(5) Delete section R309.1.

NOTE: Deletion of section R309.1, which would have required the installation of sprinklers in newly constructed townhouses, is consistent with 2010 Iowa Acts, Senate Joint Resolution 2009.

301.8(6) Delete section R309.2.

NOTE: Deletion of section R309.2, which would have required the installation of sprinklers in newly constructed one- and two-family residences, is consistent with 2010 Iowa Acts, Senate Joint Resolution 2009.

301.8(7) Delete section R319.1 and insert in lieu thereof the following new section:

R319.1 Emergency escape and rescue required as follows: Basements, habitable attics and every sleeping room have at least one operable emergency and rescue opening that opens directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings are in each sleeping room, but are not necessary in adjoining areas of the basement. Where emergency escape and rescue openings are provided, they have a sill height of not

more than 44 inches (1118 mm) above an adjacent permanent interior standing surface that is no less than 36 inches wide and 18 inches deep and no more than 24 inches high. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure complies with section R319.3. The net clear opening dimensions are obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation are provided with a window well in accordance with section R319.2. Emergency escape and rescue openings open directly into a public way, or to a yard or court that opens to a public way.

Exceptions:

- Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m^2).
- Storm shelters constructed in accordance with 661—Chapter 301, Part 2.
- Where the dwelling unit or townhouse unit is equipped with an automatic sprinkler system installed in accordance with section P2904, sleeping rooms in basements are not required to have emergency escape and rescue openings provided that the basement has either (1) one means of egress complying with section R318 and one emergency escape and rescue opening or (2) two means of egress complying with section R318.
- A yard is not required to open directly into a public way where the yard opens to an unobstructed path from the yard to the public way if the path has a width of not less than 36 inches (914 mm).

301.8(8) Delete chapter 11 and insert in lieu thereof rule 661—301.24(103A).

301.8(9) Delete chapter 24 and sections therein and insert in lieu thereof the following new section:

All fuel gas piping installations shall comply with rule 661—301.9(103A).

301.8(10) Delete chapters 25 through 33 and sections therein, except for section P2904, and insert in lieu thereof the following new section:

All plumbing installations shall comply with the state plumbing code as adopted by the state plumbing and mechanical systems board pursuant to Iowa Code chapter 105.

Exception: Factory-built structures, as referenced by Iowa Code section 103A.10(3), that contain plumbing installations are allowed to comply with either the state plumbing code or with the International Plumbing Code, 2015 edition, published by the International Code Council, located at www.iccsafe.org. The manufacturer's data plate must indicate which plumbing code was utilized for compliance with this rule, as set forth in 661—paragraph 16.610(15)*"e."*

301.8(11) Delete chapters 34 to 43 and sections therein and insert in lieu thereof the following new section:

The provisions of the state electrical code, as adopted and amended in 661—Chapter 504, are hereby adopted by reference as the requirements for electrical installations.

301.8(12) Delete appendices AA through CH.

301.8(13) Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code".

301.8(14) Delete all references to the "International Mechanical Code" and insert in lieu thereof "state mechanical code".

301.8(15) Delete all references to the "International Fuel Gas Code" and insert in lieu thereof "rule 661—301.9(103A)".

301.8(16) Delete all references to the "International Building Code" and insert in lieu thereof "rule 661—301.3(103A)".

301.8(17) Delete all references to the "International Fire Code" and insert in lieu thereof "state fire code".

661—301.9(103A) Fuel gas piping requirements. Fuel gas piping shall comply with the requirements of 661—Chapter 226 and NFPA 54, ANSI Z223.1-2012, National Fuel Gas Code, 2012 Edition, published by the National Fire Protection Association. Liquefied petroleum gas facilities and appliances shall comply with rule 661—226.1(101).

661—301.10(103A) Transition period. A construction project subject to the provisions of any rule in Part 1 or Part 3 and commenced within 12 months after the effective date of revised standards may comply with either the newly adopted standards or the previous standards. "Commenced" means that the submitter has obtained preliminary approval from the commissioner or a local building department pursuant to rule 661—300.6(103A).

661—301.11 to **301.15** Reserved.

PART 2
ACCESSIBILITY OF BUILDINGS AND FACILITIES AVAILABLE TO THE PUBLIC

661—301.16(103A,104A) Purpose and scope. Part 2 is intended to ensure that buildings and facilities used by the public, other than places of worship, are accessible to, and functional for, persons with disabilities. Rule 661—301.18(103A,104A) applies statewide to new construction of buildings and facilities available to the public and to renovation and rehabilitation projects on existing buildings and facilities when local or state building codes require compliance with standards for new construction. Rule 661—301.19(103A,104A) applies statewide to construction of multiunit residential buildings.

301.16(1) NOTE A. Although rule 661—301.18(103A,104A) is based upon the federal 2010 ADA Standards for Accessible Design and adopts the language of the 2010 ADA Standards for Accessible Design by reference, and rule 661—301.19(103A,104A) is based upon the requirements of the federal Fair Housing Act, determinations of state and local building officials charged with enforcement of these rules are not binding on other state or federal jurisdictions and do not prevent the federal government or another state from making a different determination under applicable law.

301.16(2) NOTE B. Other federal and state laws address requirements for accessibility for persons with disabilities and may be applicable to buildings and facilities subject to Part 2. Nothing in these rules should be interpreted as limiting the applicability of other provisions of state or federal law. These provisions include but are not limited to the following:

a. Iowa Code chapter 216, the Iowa civil rights Act of 1965.

b. Iowa Code chapter 216C, which enumerates the rights of persons who are blind or partially blind and persons with physical disabilities.

c. Iowa Code chapter 321L and 661—Chapter 18, which relate to requirements for parking for persons with disabilities.

d. The federal Architectural Barriers Act of 1968 (Public Law 90-480).

e. The federal Rehabilitation Act of 1973 (Public Law 93-112).

f. The federal Fair Housing Act of 1968 (Public Law 90-284); the federal Fair Housing Amendments Act of 1988 (Public Law 100-430); and related regulations, including 24 CFR 100, Subpart D.

661—301.17(103A,104A) Definitions. The following definitions apply to Part 2:

"ADA" means the federal Americans with Disabilities Act (Public Law 101-336).

"ADAAG" means Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, 28 CFR Part 36, Appendix A, as revised through July 1, 1994.

"ADASAD 2010" means 2010 ADA Standards for Accessible Design, published by the U.S. Department of Justice, September 15, 2010. Included in the publication are accessibility standards for state and local government facilities and accessibility standards for public accommodations and commercial facilities.

NOTE: Copies of ADASAD 2010 and additional explanatory material may be downloaded from www.ada.gov/law-and-regs.

"IBC" means the International Building Code, adopted in rule 661—301.3(103A).

661—301.18(103A,104A) Accessibility of buildings and facilities available to the public. Buildings and facilities that are available to the public, other than places of worship, shall comply with one of the following:

301.18(1) Applicable provisions of ADASAD 2010.

301.18(2) IBC, Chapter 11 and applicable accessibility provisions contained in IBC.

NOTE: Approval of construction plans based upon compliance with the applicable provisions of the IBC, as provided, does not relieve the designer, builder, building owner, or building operator from responsibility under federal law to comply with all applicable provisions of the 2010 ADA Standards for Accessible Design.

661—301.19(103A,104A) Making apartments accessible and functional for persons with disabilities.

301.19(1) Multiple dwelling unit buildings. This rule applies to all multiple dwelling unit buildings that consist of four or more dwelling units if such buildings have one or more elevators. In such buildings without an elevator, all ground floor units must be accessible. The requirements of this rule apply to the individual dwelling units and the common use spaces that are accessible to persons with disabilities in multiple dwelling unit buildings.

EXCEPTION 1: A multiple dwelling unit building is deemed to be in compliance with this rule if it is located in a local jurisdiction that has enacted accessibility rules that have been recognized by the U.S. Department of Housing and Urban Development as providing a safe harbor for compliance with the accessibility requirements established in the federal Fair Housing Act and if the building has been found to be in compliance with those requirements unless the building is required to comply with the requirements of the Uniform Federal Accessibility Standards or other applicable standards that may be more restrictive than the provisions of this rule.

EXCEPTION 2: Certain multiple dwelling unit buildings are required to comply with the Uniform Federal Accessibility Standards, published by the U.S. Access Board, 1988. Compliance with the provisions of this rule does not substitute for compliance with any applicable provision of the Uniform Federal Accessibility Standards or any other applicable standards that may be more restrictive than the provisions of this rule.

NOTE: Compliance with the Uniform Federal Accessibility Standards is generally necessary for buildings and facilities constructed with federal financial assistance.

"Dwelling unit" means a single unit of residence for a household of one or more persons. Examples of a dwelling unit covered by these rules include a condominium, an apartment unit within an apartment building, and another type of dwelling in which sleeping accommodations are provided but toilet or cooking facilities are shared by occupants of more than one room or portion of the dwelling. Examples of the latter include dormitory rooms and sleeping accommodations in shelters intended for occupancy as a residence for homeless persons.

"Ground floor" means a floor of a building with a building entrance on an accessible route. A building may have one or more ground floors.

a. The individual dwelling units shall contain an accessible route into and through the unit, as well as meet the following:

(1) All doors intended for use as passage through the dwelling unit have a clear opening of at least 32″ nominal width with the door open 90 degrees, measured between the face of the door and the stop. Openings more than 24″ in depth are not considered doorways.

NOTE: A 34″ door, hung in the standard manner, provides an acceptable 32″ opening.

(2) Except at doorways, the minimum clear width of the accessible route is at least 36″ wide.

(3) In single-story units, special features such as lofts or sunken or raised areas may be on an accessible route provided the areas do not interrupt the accessible route through the remainder of the dwelling unit.

(4) In multistory dwelling units in buildings with elevators, the story of the unit that is served by the building elevator is the primary entry to the unit and such entry/accessible floor complies with the

requirements of subparagraphs (1), (2) and (3) above. The entry/accessible floor contains a bathroom or powder room that complies with paragraph *"c"* below.

(5) Exterior deck, patio, or balcony surfaces are no more than ½″ below the floor level of the interior of the dwelling unit unless they are constructed of impervious material such as concrete, brick or flagstone. In such case, the surface is no more than 4″ below the floor level of the interior or lower if required by local building code.

(6) Thresholds at exterior doors, including sliding tracks, are no higher than ¾″. Thresholds and changes in elevations as in subparagraph (5) above are beveled with a slope no greater than 1:2.

b. Kitchens shall meet or be adaptable to meet the following:

(1) A clear floor space at least 30″ × 48″ that allows a parallel approach by a person in a wheelchair is provided at the range or cooktop and the sink. Either a parallel or forward approach is provided at the oven, dishwasher, refrigerator/freezer or trash compactor.

(2) Clearance between counters and all opposing base cabinets, countertops, appliances or walls are at least 40″. In U-shaped kitchens with a sink or cooktop at the base of the "U," the base cabinets are removable at that location or a 60″ turning radius is provided.

c. All bathrooms of covered multifamily dwelling units shall comply with provisions of subparagraph (1) of this paragraph or at least one bathroom in the dwelling unit shall comply with provisions of subparagraph (2) of this paragraph and all other bathrooms and powder rooms within the dwelling unit must be on an accessible route with usable entry doors in accordance with paragraph "a" above. "Powder room" means a room with a toilet and sink.

In multistory dwelling units, only those bathrooms on the accessible level are subject to these requirements. Where the powder room is the only facility provided on the accessible level of a multistory dwelling unit, the powder room must comply with the provisions of subparagraph (1) or (2) of this paragraph.

(1) Sufficient maneuvering space is provided within the bathroom for a person using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit. Doors may swing into the clear floor space provided at any fixture if the maneuvering space is provided. Maneuvering space may include any knee space or toe space available below the bathroom fixtures.

Clear floor space at fixtures may overlap.

If the shower stall is the only bathing facility provided in the covered dwelling unit, the shower stall measures at least 36″ × 36″.

NOTE: Cabinets under lavatories are acceptable provided the bathroom has space to allow a parallel approach by a person in a wheelchair; if parallel approach is not possible within the space, any cabinets provided would have to be removable to afford the necessary knee clearance for forward approach.

(2) Where the door swings into the bathroom, there is a clear space (2′6″ × 4′0″) within the room to position a wheelchair or other mobility aid clear of the path of the door as it is closed and to permit the use of the fixtures. This clear space can include any knee space and toe space available below the bathroom fixtures.

Where the door swings out, a clear space is provided within the bathroom for a person using a wheelchair or other mobility aid to position the wheelchair such that the person is allowed use of the fixtures. There is a clear space to allow persons using wheelchairs to reopen the door to exit.

When both tub and shower fixtures are provided in the bathroom, at least one fixture is made accessible. When two or more lavatories are provided in a bathroom, at least one is made accessible.

Toilets are located within bathrooms in a manner that permits a grab bar to be installed on one side of the fixture. In locations where toilets are adjacent to walls or bathtubs, the centerline of the fixture is a minimum of 1′6″ from the obstacle. The nongrab bar side of the toilet fixture is a minimum of 1′3″ from the finished surface of the adjoining walls, vanities, or the edge of a lavatory.

Vanities and lavatories are installed with the center line of the fixture a minimum of 1′3″ horizontally from an adjoining wall or fixture. The top of the fixture rim is a maximum height of 2′10″ above the finished floor. If knee space is provided below the vanity, the bottom of the apron is at least 2′3″ above the floor. If provided, full knee space (for front approach) is at least 1′5″ deep.

Bathtubs and tub/showers located in the bathroom provide a clear access aisle adjacent to the lavatory that is at least 2′6″ wide and extends for a length of 4′0″ measured from the head of the bathtub.

Stall showers in the bathroom may be of any size or configuration. A minimum clear floor space 2′6″ wide × 4′0″ deep should be available outside the stall. If the shower stall is the only bathing facility provided in the covered dwelling unit, or on the accessible level of a covered multistory unit, and measures a nominal 36″ × 36″, the shower stall has reinforcing to allow for installation of an optional wall-hung bench seat.

d. Walls in bathrooms that are to be adaptable will be reinforced to allow later installation of grab bars around toilet, tub, shower stall and shower seat where provided.

Where the toilet is not placed adjacent to a side wall, provision shall be made for floor-mounted foldaway or similar alternative grab bars. Where the powder room is the only toilet facility located on an accessible level of a multistory dwelling unit, it must comply with this requirement for reinforced walls for grab bars.

NOTE: A tub may have shelves or benches at either end, or a tub may be installed without surrounding walls, if there is provision for alternative mounting of grab bars. For example, a sunken tub placed away from walls could have reinforced areas for installation of floor-mounted grab bars. The same principle applies to shower stalls, e.g., glass-walled stalls could be planned to allow floor-mounted grab bars to be installed later.

Reinforcement for grab bars may be provided in a variety of ways (for example, by plywood or wood blocking) so long as the necessary reinforcement is placed so as to permit later installation of appropriate grab bars.

e. Public and common use areas shall be readily accessible to and usable by persons with disabilities.

f. Light switches, electrical outlets, thermostats and other environmental controls shall be located no higher than 48″, and no lower than 15″, above the floor. If the reach is over an obstruction between 20″ and 25″ in depth, the maximum height is reduced to 44″ for forward approach; or 46″ for side approach, provided the obstruction is no more than 24″ in depth. Obstructions should not extend more than 25″ from the wall beneath a control. (See ADAAG Figure 5.)

NOTE: Controls or outlets that do not satisfy these specifications are acceptable provided that comparable controls or outlets (i.e., that perform the same functions) are provided within the same area and are accessible.

301.19(2) Elevators. An elevator meeting the requirements established for accessible elevators in Section 4.10 of the ADAAG is required in any apartment building of four or more stories.

NOTE: Elevators are not necessary in apartment buildings of three or fewer stories; however, the Uniform Federal Accessibility Standards, or any other applicable standard, may require the installation of an elevator. If an elevator is not required to be installed by this rule, then the elevator is not subject to the requirements of Section 4.10 of the ADAAG.

301.19(3) Any covered units within a multiple unit dwelling which comply with a code or standard which has been certified as a safe harbor for compliance with the accessibility requirements of the federal Fair Housing Act by the U.S. Department of Housing and Urban Development are in compliance with these rules unless the covered units are required to comply with the Uniform Federal Accessibility Standards or any other applicable requirements which may be more restrictive than the provisions of this rule.

661—301.20 to **301.22** Reserved.

PART 3
REQUIREMENTS FOR ENERGY CONSERVATION IN CONSTRUCTION

661—301.23(103A) Scope and applicability of energy conservation requirements.

301.23(1) *Scope.* Part 3 establishes thermal energy efficiency standards for the design of new buildings and structures or portions thereof, additions to existing buildings, and renovation and

remodeling of existing buildings, except for residential buildings of one or two dwelling units, that are intended for human occupancy and that are heated or cooled by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating systems and equipment for the efficient use of energy, and lighting efficiency standards for buildings intended for human occupancy that are lighted.

301.23(2) *Applicability.* Part 3 applies to design and construction of buildings that are intended for human occupancy throughout the state of Iowa. Any construction of buildings or facilities that are intended for human occupancy and that are heated or cooled is covered, with the exception of renovation and remodeling of residential buildings of one or two dwelling units, which are not covered. Rule 661—301.24(103A) establishes standards for design and construction of residential buildings of three or fewer stories. Rule 661—301.25(103A) establishes standards for design and construction of commercial buildings and residential buildings of four or more stories. The occupancy of any building covered by this chapter shall be determined based upon the occupancy definitions in chapter 3 of the International Building Code, as adopted in rule 661—301.3(103A).

301.23(3) *Review by architect or engineer.* Plan review shall meet the following criteria:

a. The plans and specifications for all buildings to be constructed that exceed a total volume of 100,000 cubic feet of enclosed space that is heated or cooled are reviewed by a registered architect or licensed professional engineer for compliance with applicable energy efficiency standards. Buildings with less than 100,000 cubic feet can be reviewed by the owner or designated representative.

b. A statement that a review has been accomplished and that the design complies with the energy efficiency standards is signed and sealed by the responsible registered architect or licensed professional engineer. This statement is filed with the commissioner or a local building official on a form approved by the commissioner prior to construction or before obtaining any local permits. The statement is filed with the commissioner for any project that is subject to plan review by the building code bureau.

c. If the plans and specifications relating to energy efficiency for a specific structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure that has been previously approved do not require a review because of these changes, provided the basic structure remains unchanged and no additional energy is necessary for heating, cooling or lighting.

d. Prior to the completion of construction, no changes are made to any approved plan or specifications that increase the amount of energy used for heating, cooling, or lighting unless the changes are approved by the responsible registered architect or licensed professional engineer in writing and notice has been filed with the commissioner or a local building official. The commissioner or a local building official is notified of any change that is anticipated to decrease the amount of energy used. The commissioner is notified pursuant to this paragraph for any project that is subject to plan review by the bureau.

661—301.24(103A) Residential energy code. The International Energy Conservation Code – Residential Provisions, 2012 edition, published by the International Code Council, located at www.iccsafe.org, is adopted by reference as the residential energy code of the state of Iowa building code, applicable to residential construction limited to three or fewer stories throughout the state of Iowa, with the following amendments:

301.24(1) Delete section R101.1.

301.24(2) Delete section R101.2 and insert in lieu thereof the following new section:

R101.2 Scope. This code applies to residential buildings and the building sites and associated systems and equipment as defined pursuant to 661—subrule 301.23(2). The remodeling or renovation of one- and two-family dwelling units is not within the scope of this code.

301.24(3) Delete section R103.3.1.

301.24(4) Delete section R103.3.2.

301.24(5) Delete section R103.3.3.

301.24(6) Delete section R104.1 and insert in lieu thereof the following new section:

R104.1 General. Construction or other work that is required to be inspected by state law or local ordinance shall be in accordance with sections R104.2 through R104.8. The commissioner has authority to perform audits to ensure compliance with this code. When local governments conduct compliance audits, the information may be provided to the Department of Energy or to the commissioner in a timely way. Local governments may contract with the commissioner to conduct audits.

301.24(7) Delete sections R108 and R109 and all sections contained therein.

301.24(8) Delete section R402.1.1 and insert in lieu thereof the following new section:

R402.1.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table R402.1.1 based on the climate zone specified in chapter 3.

Table R402.1.1

Table R402.1.1 Insulation and Fenestration Requirements by Component[a]

Climate Zone	Fenestration U-Factor[b]	Skylight U-Factor[b]	Glazed Fenestration SHGC[b,e]	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value[i]	Floor R-Value	Basement Wall R-Value[c]	Slab R-Value & Depth[d]	Crawl Space[c] Wall R-Value
1	NR	.75	.25	30	13	3/4	13	0	0	0
2	.40	.65	.25	38	13	4/6	13	0	0	0
3	.35	.55	.25	38	20 or 13+5[h]	8/13	19	5/13[f]	0	5/13
4	.35	.55	.40	49	20 or 13+5[h]	8/13	19	10/13	10, 2ft	10/13
5	.32	.55	NR	49	20 or 13+5[h]	13/17	30[g]	15/19	10, 2ft	15/19
6	.32	.55	NR	49	20 or 13+5[h]	15/20	30[g]	15/19	10, 4ft	15/19
7 & 8	.32	.55	NR	49	20+5 or 13+10[h]	19/21	38[g]	15/19	10, 4ft	15/19

[a] R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

[b] The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: Skylights may be excluded from glazed fenestration SHGC requirements in Climate Zones 1 through 3 where the SHGC for such skylights does not exceed .30.

[c] "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

[d] R-5 shall be added to the slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Climate Zones 1 through 3 for heated slabs.

[e] There are no SHGC requirements in the Marine Zone.

[f] Basement wall insulation is not necessary in warm-humid locations as defined by Figure R301.1 and Table R301.1.

[g] Or insulation sufficient to fill the framing cavity, R-19 minimum.

[h] First value is cavity insulation; second value is continuous insulation or insulated siding. Therefore, "13+5" means R-13 cavity insulation plus R-5 continuous insulation or insulated siding. If structural sheathing covers 40 percent or less of the exterior, continuous insulation R-value shall be permitted to be reduced by no more than R-3 in the locations where structural sheathing is used – to maintain a consistent total sheathing thickness.

[i] The second R-value applies when more than half the insulation is on the interior of the mass wall.

301.24(9) Delete section R402.4.1.2 and insert in lieu thereof the following new section:

R402.4.1.2 Testing shall meet the following requirements: The building or dwelling unit is tested and verified as having an air leakage rate not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 4 air changes per hour in Climate Zones 3 through 8. Testing is conducted with a blower door at a pressure of 0.2 inches w.g. (50 pascals). Where required by the code official, testing is conducted by an approved third party and a written report of the results is signed by the party conducting the test and provided to the code official. Testing is performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors are closed, but not sealed beyond the intended weatherstripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers are closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, are open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators are closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, are turned off; and
6. Supply and return registers, if installed at the time of the test, are fully open.

301.24(10) Delete section R403.2.2 and insert in lieu thereof the following new section:

R403.2.2 Sealing is mandatory and shall meet the following requirements: Ducts, air handlers, and filter boxes are sealed. Joints and seams comply with either the International Mechanical Code or International Residential Code, as applicable.

Exceptions:

1. Air-impermeable spray foam products may be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets are equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than 2 inches of water column (500 Pa) pressure classification do not require additional closure systems.

Duct tightness is verified by either of the following:

1. Postconstruction test: Leakage to outdoors is less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m^2) of conditioned floor area or total leakage is less than or equal to 6 cfm (170 L/min) per 100 square feet (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots are taped or otherwise sealed during the test.
2. Rough-in test: Total leakage is less than or equal to 6 cfm (170 L/min) per 100 square feet (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers are taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage is less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29 m^2) of conditioned floor area.

Testing is conducted by an approved third party and a written report of the results is signed by the party conducting the test and provided to the code official.

Exception: The duct leakage test is not needed for ducts and air handlers located entirely within the building thermal envelope unless cavities are used for returns.

301.24(11) Delete section R403.2.3 and insert in lieu thereof the following new section:

R403.2.3 Building cavities (mandatory). Building framing cavities cannot be used as supply ducts. Building framing cavities may be used as return ducts if both of the following conditions exist:

1. Ducts must be tested for duct leakage in accordance with section R403.2.2.
2. Exterior wall cavities cannot be used for return ducts.

661—301.25(103A) Adoption of nonresidential energy code. The International Energy Conservation Code – Commercial Provisions, 2012 edition, published by the International Code Council, located at www.iccsafe.org, is hereby adopted by reference as the nonresidential energy code of the state building

code, applicable to commercial construction or residential construction of four or more stories within the state of Iowa, with the following amendments:

301.25(1) Delete section C101.1.

301.25(2) Delete section C101.2 and insert in lieu thereof the following new section:

C101.2 Scope. This code applies to commercial buildings and the buildings' sites and associated systems and equipment as defined pursuant to 661—subrule 301.23(2).

301.25(3) Delete section C103.3.1.

301.25(4) Delete section C104.1 and insert in lieu thereof the following new section:

C104.1 General. Construction or other work that is to be inspected by state law or local ordinance shall be in accordance with sections C104.2 through C104.8.

301.25(5) Delete sections C108 and C109 and all sections contained therein.

661—301.26 and **301.27** Reserved.

PART 4
LIFE CYCLE COST ANALYSIS OF PUBLIC FACILITIES

661—301.28(470) Life cycle cost analysis.

301.28(1) *Submission.* Any public agency as defined by Iowa Code section 470.1 will prepare a life cycle cost analysis in compliance with Iowa Code chapter 470 and submit the analysis to the commissioner before construction commences.

301.28(2) *Notification by state agency.* Any public agency that is a state agency as defined in Iowa Code section 7D.34 will, within 60 days of final selection of a design architect or engineer, notify the commissioner and the Iowa energy office in the economic development authority of the methodology to be used to perform the life cycle cost analysis. Notice will be given on the forms provided by the Iowa office of energy for this purpose. A life cycle cost analysis prepared by a state agency will be submitted in sufficient time ahead of the release of plans for bids to allow for revisions or additions that may be made to the plans. Public funds will not be used for the construction or renovation of a facility unless the design for the work is prepared in accordance with Iowa Code chapter 470 and the actual construction or renovation is consistent with the design.

301.28(3) *Exemptions from implementation.*

a. A public agency responsible for construction or renovation of a public facility may apply to the commissioner for exemption from any recommendation of the life cycle cost analysis.

b. The public agency will implement all recommendations of the life cycle cost analysis except those that have been approved for exemption by the commissioner and the director of the office of energy independence.

EXCEPTION: The public agency is not required to implement any recommendation that would result in a violation of any other provision of law. If the public agency determines that compliance with any recommendation of the life cycle cost analysis would result in a violation of law, the public agency will so notify the commissioner.

c. The commissioner and the director of the economic development authority will evaluate each request for an exemption on a case-by-case basis, considering the following factors:

(1) The purpose of the facility or renovation;

(2) Preservation of historic architectural features;

(3) Site considerations;

(4) Health and safety concerns;

(5) Compliance with any other provisions of law; and

(6) The technical feasibility of implementing the recommendation. "Technical feasibility" means that a recommendation may be implemented without altering major structural features of an existing facility.

661—301.29 Reserved.

PART 5
SUSTAINABLE DESIGN STANDARDS

661—301.30(103A) Scope and purpose.

301.30(1) *Scope.* The standards established in Part 5 apply to building construction projects in Iowa and are based upon state or federal statutory requirements; administrative rules adopted by state agencies that own, manage, regulate, or finance building construction projects; or federal regulations.

301.30(2) *Purpose.* The purpose of the standards in Part 5 is to promote sustainable design in building construction, which is defined as construction that meets current needs while not compromising the needs of future generations. Sustainable design standards are intended to minimize the adverse environmental impacts of construction and the built environment.

661—301.31(103A) Definitions. The following definitions apply to Part 5:

"Commercial" means a building construction project that is not residential.

"Residential" means a building construction project that involves a building or buildings, each of which is a detached one- or two-family dwelling or which consists of townhouses not more than three stories above grade in height with a separate means of egress to the exterior of the building for each dwelling unit and consisting entirely of dwelling units and their accessory structures.

661—301.32(103A) Submission of projects.

301.32(1) *Approval of building code commissioner.* Approval of a construction project as sustainably designed pursuant to these rules may be granted only by the commissioner. All requests for approval of a project as sustainably designed must be submitted to the bureau at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321.

301.32(2) *Building code approval.* No building construction project will be approved as a sustainably designed project pursuant to these rules unless construction plans for the project have been approved by the commissioner as meeting the state building code or by a local building department as meeting the applicable local building code.

301.32(3) *Projects subject to state building code.* If approval as a sustainably designed project is requested for a project that is otherwise subject to the state building code, approval may be requested by including a statement in the materials submitted pursuant to 661—Chapter 300 that approval for the project as sustainably designed is being requested.

301.32(4) *Projects subject to local building codes.* If approval from the commissioner is sought for a project that is subject to a local building code and code enforcement, approval may be sought by submitting construction plans to the bureau as provided in 661—Chapter 300, with a cover letter stating that approval of the project as a sustainably designed project is being requested and that the project has been submitted for review to the local building department. The commissioner will not issue approval of the project as a sustainably designed project until evidence of approval of the construction plans by the local building department are submitted to the bureau.

301.32(5) *Projects not otherwise subject to state or local building codes.* If approval as a sustainably designed project is sought for a building construction project that is otherwise not subject to the state building code or a local building code, approval may be sought by submitting construction plans for the project to the bureau as provided in 661—Chapter 300, with a cover letter stating that approval as a sustainably designed project is being requested and that the project is not subject to a local building code enforced by a local jurisdiction. The project will be subject to the state building code and to procedures and fees for review of construction plans and inspections as provided in 661—Chapter 300.

301.32(6) *Application form.* A completed application form prescribed by the commissioner shall be included with the submission of the construction plans for review of any project for which approval as a sustainably designed project is requested.

661—301.33(103A) Sustainable design criteria for residential projects. A residential building construction project will be approved as sustainably designed if it meets any of the following requirements:

301.33(1) Satisfaction of all of the mandatory criteria of the economic development authority's Iowa green streets criteria; or

301.33(2) Compliance with ICC 700 National Green Building Standard®, (ICC 700-2008 NGBS) published by the International Code Council, at the bronze level; or

301.33(3) Certification from the United States Green Building Council at the certified level or better in the Leadership in Energy and Environmental Design (LEED) green building rating system for residential projects; or

301.33(4) Satisfaction of any alternative set of criteria submitted in advance to and approved by the commissioner as equivalent to the requirements of subrules 661—300.33(1) through 300.33(3).

661—301.34(103A) Sustainable design criteria for commercial projects. A commercial building construction project will be approved as sustainably designed if it meets the following applicable requirements:

301.34(1) If approval as a sustainably designed project is being sought in order to qualify for a tax credit or tax refund, the project will be approved as sustainably designed if the building receives certification from the United States Green Building Council at the Certified level or better in the Leadership in Energy and Environmental Design (LEED) green building rating system and if the building complies with the requirements of ASHRAE 90.1 2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE).

301.34(2) If the project includes only the following commercial structures, satisfaction of all of the mandatory criteria of the Iowa green streets criteria:

a. Day care centers.

b. Vocational rehabilitation centers.

c. Community centers.

d. Senior centers.

EXCEPTION: Application may be made to the commissioner to accept satisfaction of all of the mandatory criteria of the Iowa green streets criteria as the basis for approval of other commercial projects as sustainably designed. Such submission should be limited to smaller commercial projects, and approval as a sustainably designed project is at the discretion of the commissioner, who will award such approval only if the commissioner is convinced that the Iowa green streets criteria are applicable to the project. Written approval for use of the Iowa green streets criteria pursuant to this exception shall be sought and obtained prior to submission of an application for approval as a sustainably designed project.

301.34(3) If a project involves the construction of a building or a portion of a building intended to host a data center or operations of a web portal business, it will be approved as sustainably designed if the project receives certification at the certified level from the United States Green Building Council in the LEED green building rating system and complies with the requirements of ASHRAE 90.1 2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the ASHRAE.

301.34(4) Satisfaction of any alternative set of criteria submitted in advance to and approved by the commissioner as equivalent to the requirements set forth in subrule 301.34(1).

661—301.35(103A) Fees.

301.35(1) *Projects subject to the state building code.* For any project for which approval as a sustainably designed project is requested from the commissioner and which is otherwise subject to the state building code, the additional fee for review for compliance with sustainable design standards is $100, due prior to review of the application.

301.35(2) *Projects subject to local building codes and code enforcement.* For any project approved by a local building department as compliant with the local building code and for which approval as a

sustainably designed project is requested, a fee of $250 is due prior to the commissioner's review of the application for approval as a sustainably designed project.

301.35(3) *Projects not otherwise subject to a building code.* For any project for which approval as a sustainably designed project is requested and which is not otherwise subject to a building code, the plan review fee is the same as the plan review fee for the project established in 661—subrule 300.4(2). An additional fee of $100 for review for compliance with the requirements set forth in Part 5 applies and is due prior to review of the plan.

661—301.36 Reserved.

PART 6
WEATHER SAFE ROOMS

661—301.37(103A) Scope. The standards adopted in Part 6 apply to the design and construction of weather safe rooms. This chapter does not require the construction of a weather safe room or rooms for any construction project but does establish standards for design and construction of weather safe rooms when their construction is necessary under another provision of law or is incorporated voluntarily in a construction project.

661—301.38(103A) Definition. The following definition applies to Part 6:

"Weather safe room" means a building, structure, or portion of a building or structure designated for use during a severe windstorm event.

661—301.39(103A) Standards. Any weather safe room shall be designed and constructed in compliance with the provisions of ICC 500-2014, ICC/NSSA Standard for the Design and Construction of Storm Shelters, published by the International Code Council, located at www.iccsafe.org. Any provision that would apply to a hurricane safe structure but not to a tornado safe structure does not apply. For any provision for which a distinction is made between a tornado safe structure and a hurricane safe structure, the requirement for a tornado safe structure applies.

661—301.40 Reserved.

PART 7
STATE HISTORIC BUILDING CODE

661—301.41(103A) Scope and definition. Part 7 applies to historic buildings and is an alternative to the state building code or local building codes for the buildings to which it applies.

"Historic building" means any building or structure that is listed in the state or National Register of Historic Places, that is designated as a historic property under local or state designation law or survey, that is certified as a contributing resource within a National Register-listed or locally designated historic district, or that has an opinion or certification that the property is eligible to be listed on the state or National Register of Historic Places either individually or as a contributing building to a historic district by the state historic preservation officer pursuant to Iowa Code section 103A.42 or the Keeper of the National Register of Historic Places.

661—301.42(103A) Adoption. The provisions of the International Existing Building Code, 2024 edition, published by the International Code Council, located at www.iccsafe.org, are adopted as the alternative requirements for rehabilitation, preservation, restoration, repair, alteration, change of occupancy and relocation of and addition to historic buildings, with the following amendments:

301.42(1) Delete the definition of "historic building".

301.42(2) Delete section 101.1.

301.42(3) Delete section 101.4.2 and insert in lieu thereof the following new section: 101.4.2 Buildings previously occupied. The legal occupancy of any structure existing on the date of adoption of this code is permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the commissioner for the general safety and welfare of the occupants and the public.

301.42(4) Delete sections 101.5 and 101.6.

301.42(5) Delete sections 103, 104, and 105.

301.42(6) Delete sections 106.1, 106.3, 106.4, 106.5, and 106.6.

301.42(7) Delete sections 108, 109, 110, 112, 113, 114, 115, 116 and 117.

301.42(8) Delete section 306.

301.42(9) Delete appendix B and insert in lieu thereof:

"Any building or facility subject to Part 7 shall comply with the provisions of 661—Chapter 301, Part 2."

301.42(10) Delete all references to the "International Fuel Gas Code" and insert in lieu thereof "rule 661—301.9(103A)".

301.42(11) Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code".

301.42(12) Delete all references to the "International Mechanical Code" and insert in lieu thereof "state mechanical code".

301.42(13) Delete all references to the "International Building Code" and insert in lieu thereof "rule 661—301.3(103A)".

301.42(14) Delete all references to the "International Residential Code" and insert in lieu thereof "rule 661—301.8(103A)".

301.42(15) Delete all references to the "International Fire Code" and insert in lieu thereof "state fire code".

NOTE 1: International Existing Building Code, as adopted by rule 661—301.7(103A), Resource A, provides guidelines for evaluating fire ratings of archaic materials and assemblies that may be used by designers and code officials when evaluating compliance with provisions of this chapter.

NOTE 2: Except for elevators excluded from the jurisdiction of the department by the provisions of Iowa Code section 89A.2, each elevator is to comply with any applicable requirements established by the department and is subject to enforcement of any applicable regulation.

NOTE 3: Except for boilers and pressure vessels excluded from the jurisdiction of the department by the provisions of Iowa Code section 89.4, each boiler or pressure vessel is to comply with any applicable requirements established by the department and is subject to enforcement of any applicable regulations.

Any boiler that is subject to requirements established by the department of natural resources is to comply with any such requirements and is subject to enforcement of any applicable regulations by the department of natural resources.

These rules are intended to implement Iowa Code chapters 103A, 104A, and 470.

ITEM 2. Rescind and reserve **661—Chapter 302**.

ITEM 3. Rescind and reserve **661—Chapter 303**.

ITEM 4. Rescind and reserve **661—Chapter 310**.

ITEM 5. Rescind and reserve **661—Chapter 315**.

ITEM 6. Rescind and reserve **661—Chapter 350**.

ARC 9049C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to manufactured housing support and anchorage systems and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 322, "State Building Code—Manufactured Housing Support and Anchorage Systems," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 103A.7 and 103A.9.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 103A.

Purpose and Summary

This proposed rulemaking repromulgates Chapter 322 and implements Iowa Code section 103A.7 in accordance with the goals and directives of Executive Order 10. Iowa Code section 103A.7(1) empowers and directs the State Building Code Commissioner to formulate, adopt, and periodically amend or revise and to promulgate, in conformity with and subject to the conditions set forth in Iowa Code chapter 103A, reasonable rules designed to establish minimum safeguards in the erection and construction of buildings and structures, to protect the human beings who live and work in them from fire and other hazards, and to establish regulations to further protect the health, safety, and welfare of the public. Pursuant to Iowa Code section 103A.7(2)"c," the rules shall include reasonable provisions for the manufacture and installation of factory-built structures. Iowa Code section 103A.9 states that the state building code shall contain provisions relating to the manufacture and installation of factory-built structures.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 29, 2025

No members of the public attended the public hearing, and no written or oral comments were received in response to the Regulatory Analysis. A public meeting of the Iowa Building Code Advisory Council was held on January 23, 2025, and the Council generally expressed approval of this proposed rulemaking, contingent on further review prior to final approval by the Council.

Clarifying and grammatical changes have been made since publication of the Regulatory Analysis.

Fiscal Impact

This rulemaking has no fiscal impact in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on April 23, 2025. Comments should be directed to:

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 10 to 10:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa
April 23, 2025 2:30 to 3 p.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa

Virtual participation information will be made available on the Department's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 322 and adopt the following **new** chapter in lieu thereof:

CHAPTER 322
STATE BUILDING CODE—MANUFACTURED
HOUSING SUPPORT AND ANCHORAGE SYSTEMS

661—322.1 Reserved.

661—322.2(103A) Definitions. The definitions in 661—subrule 16.620(4) apply to this chapter.

661—322.3 to **322.10** Reserved.

661—322.11(103A) Support and anchorage of manufactured homes.

322.11(1) *First time installation.* Manufactured homes shall be installed according to one of the following:

a. Homes manufactured prior to October 20, 2008, which are being installed for the first time will be installed with support and anchorage as recommended by the manufacturer and in accordance with federal manufactured home construction and safety standards, 24 CFR Section 3280.306(b), as published April 1, 2004; or

b. Homes manufactured on or after October 20, 2008, which are being installed for the first time shall be installed with support and anchorage as recommended by the manufacturer and in accordance with 24 CFR Part 3285, Model Manufactured Home Installation Standards, as published April 1, 2008; or

c. With a support and anchorage system that is designed by an Iowa-licensed professional engineer and that meets or exceeds the requirements of 24 CFR Part 3285 as published April 1, 2008; or

d. Homes installed in areas subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6 may be installed in compliance with subrule 322.11(5).

322.11(2) *Reinstallation of homes.*

a. The provisions of this subrule apply only to homes that have been previously installed in the United States and are being reinstalled at either the same location or a different location.

b. The following definitions apply to this subrule.

"Frost-protected footing" or *"frost-free footing."* Foundation material installed to depth of 42 inches below finished grade.

"Ground anchor." A specific anchoring assembly device designed to transfer home anchoring loads to the ground.

"Pier." That portion of the support system between the footing and the manufactured home, exclusive of shims. Types of piers include but are not limited to manufactured steel stands, pressure-treated wood, manufactured concrete stands, concrete blocks, and portions of foundation walls.

"Pier footing." That portion of a support system that supports the piers or blocking, is sized to adequately support the weight of the home at that load point, and is capable of transferring all design loads to the ground.

"Support system." Pilings, columns, footings, piers, foundation walls, shims, and any combination thereof that, when properly installed, support the manufactured home.

c. Homes reinstalled pursuant to subrule 322.11(2) must meet the following mandatory minimum requirements:

(1) Above ground support systems must meet the manufacturer's specifications or the requirements of subrule 322.11(3).

(2) Ground anchors must meet the manufacturer's specifications or subrule 322.11(4). Engineered ground anchoring systems that do not extend to the frost line may be used only if they are approved by the commissioner.

NOTE 1: Pier footings may be placed below the frost line for reinstallation of homes.

NOTE 2: If the home is still under a manufacturer's warranty, the manufacturer's installation instructions should be followed or the warranty may be void.

d. Pursuant to 661—subrule 16.623(2), prior to the reinstallation of a manufactured home, the installer reinstalling the home or the installer hired to inspect the home that is being reinstalled by the owner shall complete the portion of the installation certificate relating to the installation of frost-protected footings. This portion of the certificate must state that the home is not being installed with frost-protected footings and be signed and witnessed by the installer and the owner. Upon completion of the reinstallation, the installer shall complete and submit the certificate to the commissioner as prescribed by 661—subrule 16.623(2).

NOTE: Iowa Code sections 335.30 and 414.28 have requirements that may affect the reinstallation of homes.

322.11(3) *Requirements for support system installations.*

a. Piers placed on foundations shall be installed and centered directly under the main frame longitudinal beams. The piers should not be farther apart than 10 feet on centers for manufactured homes 12 feet wide or less and not more than 8 feet on centers for manufactured homes over 12 feet wide to less than 16 feet wide and no more than 6 feet on centers for manufactured homes 16 feet wide or more. The main frame, front or back, should not extend farther than two feet beyond the centerline of the end piers.

NOTE: When making excavations for footings and piers on private property, installers shall take precautions to ensure that no telephone, electrical, plumbing or water lines are contacted. Utility line locations shall be verified with the property owner or property owner's representative.

b. Pier foundations shall be placed on level, undisturbed soil or on controlled fill that is free of grass and organic materials. A small amount of sand may be of use to provide a level surface. All pier foundations shall be set level and piers installed plumb. The pier foundation shall be at least a 16″ × 16″ × 4″ solid concrete pad, precast or poured in place, or other approved material. Two nominal 4″ × 8″ × 16″ solid concrete blocks may be used provided that the joint between the blocks is parallel to the main frame longitudinal beam. Concrete used in foundations shall have a 28-day compressive strength of not less than 3,000 pounds per square inch (3,000 psi).

c. Unless otherwise directed by the owner of the site, the soil-bearing capacity of the site may be assumed to be 2,000 pounds per square foot. The acceptable construction under this subrule is based upon a soil-bearing capacity of 2,000 pounds per square foot. Sites with less soil-bearing capacity will require increased-size footings.

Explanation: The permissible footing sizes and pier spacing are based upon a combined live and dead load of 65 pounds per square foot of unit. This assumes that the full snow and internal live load will not be present at the same time.

d. Piers may be constructed of concrete or undamaged nominal 8″ × 8″ × 16″ concrete blocks, open-celled or solid, placed on the pier foundation. All open-celled concrete block shall be installed with the cells of the block in a vertical position. Nominal 2″ × 8″ × 16″ or nominal 4″ × 8″ × 16″ solid concrete blocks may be utilized as needed to achieve the necessary heights of the piers for a particular installation. A nominal 2″ × 8″ × 16″ wood plate, or equivalent, shall be placed on top of each pier, unless there is at least 4 inches of solid block, with shims fitted and driven between the wood plate or solid block and the main frame longitudinal beam. The wood blocking shall not occupy more than a nominal two inches of vertical space, and shims shall not occupy more than one inch of vertical space. Shims that have a thickness of more than 3/8″ shall be hardwood.

(1) Piers up to 40 inches in height, except corner piers over three blocks high (a nominal 24″), may be of single-block construction and shall be installed transverse (right angle) to the main frame longitudinal beam.

(2) Piers over 40 inches in height but not exceeding 80 inches in height and corner piers over three blocks high shall be of double-block construction with every other course either parallel or transverse (right angle) to the main frame longitudinal beam and be capped with a nominal 16″ × 16″ × 4″ solid concrete block or equivalent. Wood blocking and hardwood shims shall be installed accordingly.

(3) Piers over 80 inches in height shall be of reinforced concrete or of double-block construction and installed exactly according to the procedure given in subparagraph (2) above. Only celled concrete blocks shall be used (with open cells vertical) with 3/8″ diameter or larger steel reinforcing rods placed in the pier corners and all cells filled with 3,000 psi concrete. Wood blocking and shims shall be installed accordingly.

322.11(4) *Requirements for anchorage systems.* When instructions are not provided by the manufacturer, ties shall be attached vertically and diagonally to a system of ground anchors in a manner as illustrated in Figures 4 and 5. The minimum number of ties are listed in Table 6–A. There shall be a diagonal tie between the ground anchors and the unit at each vertical tie. Additional diagonal ties may be required between vertical ties. The ties shall be as evenly spaced as practicable along the length of the unit with not over eight feet open on each end.

a. Ties may be either steel cable, steel strapping, or other materials that meet the requirements of paragraph 322.11(4)*"f."* Ties are to be fastened to ground anchors and drawn tight with galvanized

turnbuckles or yoke-type fasteners and tensioning devices. Turnbuckles shall be ended with jaws of forged or welded eyes (hook ends are not approved).

b. When continuous straps (over-the-top tie-downs) are provided as vertical ties, they should be positioned at rafters and studs to prevent structural damage. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single double-head ground anchor provided that the anchor used is capable of carrying the combined loads and is included on a list of approved products maintained by the commissioner.

c. Cable used for ties shall be either galvanized steel or stainless steel and have a breaking strength of at least 4,725 pounds. Cable should be either 7/32″ diameter or greater (7 × 7) steel cable or ¼″ diameter or greater (7 × 19) aircraft cable. All cable ends should be secured with at least two I-bolt-type cable clamps or other nationally approved fastening devices.

d. When flat steel straps are used as ties, they shall conform with 24 CFR Section 3285.402(c)(2). Steel strap ties shall terminate with D-rings, bolts, or other nationally approved fastening devices that will not cause distortion or reduce the breaking strength of the ties.

e. The direction of pull of the diagonal ties should be at a right angle to the main frame longitudinal beam. Connection of the diagonal tie to the main frame longitudinal beam should be in accordance with anchor system instructions for those fastening devices. When steel strap ties are used, care should be exercised that the minimum bending radius is adhered to so the breaking strength is not reduced.

f. Anchors and anchorage materials shall meet the following requirements:

(1) The anchorage materials shall be capable of resisting an allowable minimum working load of 3,150 pounds (pullout in a vertical direction) with no more than 2 percent elongation and withstanding a 50 percent overload. All anchorage materials shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot surface coated. Anchors to reinforced concrete slab or to rock shall be of comparable strength as provided within this paragraph.

(2) Each ground anchor, when installed, shall be capable of resisting an allowable working load at least equal to 3,150 pounds in the direction of the ties plus a 50 percent overload (4,750 pounds total) without failure. Failure is considered to have occurred when the point of connection between the tie and anchor moves more than two inches at 4,750 pounds in the direction of the vertical tie when anchoring equipment is installed in accordance with the anchorage manufacturer's instructions. Those ground anchors that are designed to be installed so that the loads on the anchor are other than direct withdrawal shall be designed and installed to resist an applied design load of 3,150 pounds at 45° from horizontal without displacing the anchor more than four inches horizontally at the point where the tie attaches to the anchor.

(3) Anchors designed for connection of multiple ties shall be capable of resisting the combined working load and overload consistent with the intent expressed in this paragraph.

(4) Ground anchors shall be installed so that the load-carrying portion of the anchor in its final working position is below the frost depth (42 inches), and the anchor head shall be at ground level. Total anchor length shall be more than 42 inches as necessary.

NOTE: When installing ground anchors on private property, installers shall take precautions to ensure that no telephone, electrical, plumbing or water lines are contacted. Utility line locations shall be verified with the property owner or property owner's representative.

TABLE 6–A
MINIMUM NUMBER OF TIEDOWNS
REQUIRED FOR SINGLEWIDE MOBILE HOMES

MOBILE HOME BOX LENGTH NOT EXCEEDING	MINIMUM NUMBER OF TIEDOWNS PER SIDE	
	DIAGONAL TIES	VERTICAL TIES*
40′–0″	3	2
54′–0″	3	2
73′–0″	4	2
84′–0″	5	2

*If more than the minimum number of vertical or diagonal ties have been supplied, they shall all be used.

1. Doublewide mobile homes shall comply with Table 6–A except that no vertical ties are required.
2. Wherever a vertical tie and a diagonal tie lie in a plane that is vertical and transverse to the main longitudinal beam, both ties may be connected to the same ground anchor, providing that the particular anchor withstands both loadings.
3. This table shall be used only if there are no manufacturer's approved installation requirements.

FIGURE 4

MOBILE HOME TIEDOWN

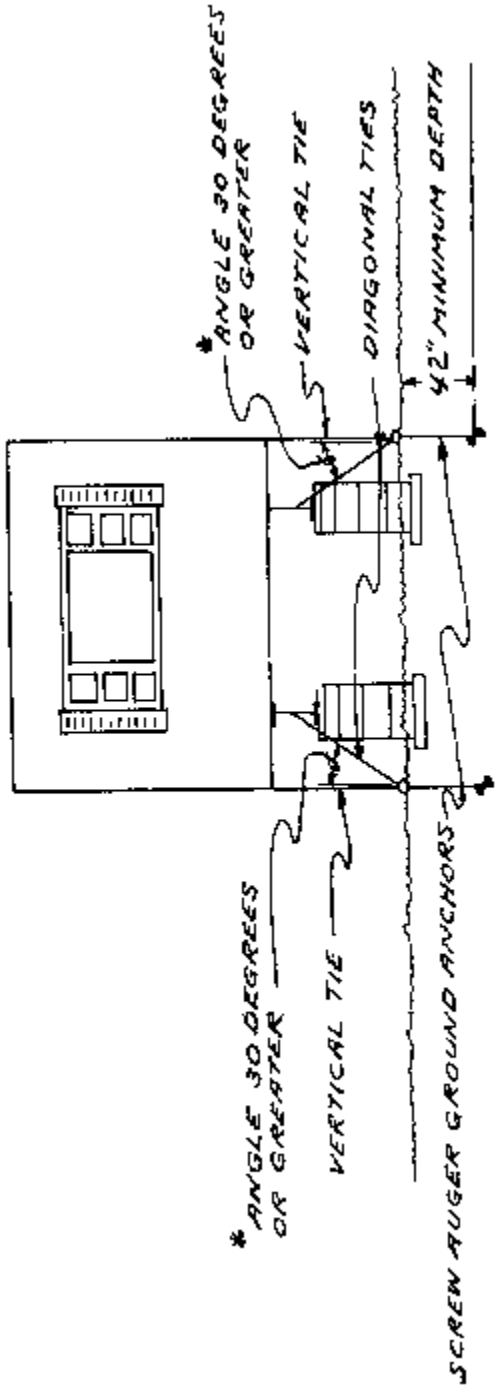
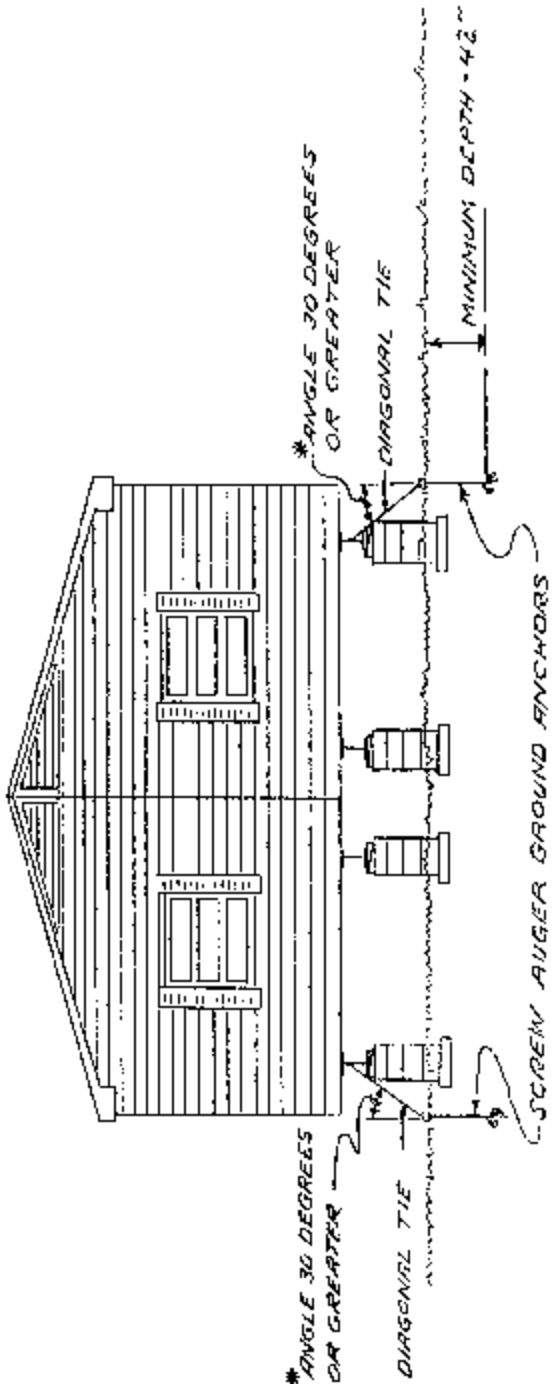


FIGURE 5

DOUBLE WIDE MOBILE HOME TIEDOWN

*DIAGONAL TIE SHALL DEVIATE FROM A VERTICAL DIRECTION 30 DEGREES OR MORE.



322.11(5) *Installations in disaster emergency areas.* In an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6, a manufactured home may be installed without a permanent support system provided that all of the following apply:

a. The installation complies with anchorage and aboveground support requirements specified by the manufacturer or subrule 322.11(4) as applicable;

b. A government agency or a third-party contractor is contractually obligated to regularly inspect the home while it is occupied and to loosen the ties or straps used in the anchoring system as needed between November 15 of each year and April 15 of the following year, in order to prevent frost heave from affecting the home, and to retighten the ties or straps on or after April 15 and prior to May 15 of the following year; and

c. The home shall be vacated within 18 months after installation without a support system that is fully compliant with subrules 322.11(1), 322.11(2), 322.11(3) and 322.11(4). A home installed in compliance with this subrule may continue to be occupied if it has been reinstalled in compliance with the provisions of this rule that would apply in the absence of a proclaimed disaster emergency.

661—322.12(103A) Suspension of installation requirements in proclaimed disaster emergencies. The commissioner may suspend any requirement established in this chapter or 661—Chapter 16 for the installation of manufactured homes, provided that all of the following apply:

322.12(1) The installation is within an area that is currently subject to a disaster emergency proclamation issued by the governor.

322.12(2) The commissioner finds that suspension of the requirement or requirements presents no imminent threat to the health or safety of any individual and specifically of any person who may occupy a manufactured home installed while the suspension is in effect.

322.12(3) Any manufactured home whose installation is subject to a suspension of any requirement shall be occupied only for the duration of the disaster emergency proclamation and for no more than 180 days after the expiration of the proclamation, or for a shorter time specified by the commissioner, unless the home has been installed or reinstalled in compliance with all requirements of this chapter and 661—Chapter 16 prior to the expiration of the period specified for suspension of the requirements.

661—322.13 to **322.19** Reserved.

661—322.20(103A) Fees.

322.20(1) All remittances of fees shall be made by check or money order payable to Iowa Department of Inspections, Appeals, and Licensing—Building Code Bureau and remitted to the Building Code Bureau, Iowa Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Des Moines, Iowa 50321.

322.20(2) The following table sets out the fee schedule for the manufactured home program.

Installation Seal	$25
Installation Seal Replacement	$10
Verification Inspections Requested by Installer or Owner	No Charge
Ground Support and Anchoring System Approval	$100

These rules are intended to implement Iowa Code sections 103A.7 and 103A.9.

ARC 9053C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to temporary use of factory-built structures and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 323, "Temporary Emergency Use of Factory-Built Structures—Commercial Use," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 103A.7 and 103A.9.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 103A.

Purpose and Summary

This proposed rulemaking repromulgates Chapter 323 and implements Iowa Code chapter 103A in accordance with the goals and directives of Executive Order 10.

Iowa Code section 103A.7(1) empowers and directs the State Building Code Commissioner, with the approval of the State Building Code Advisory Council, to formulate, adopt, and periodically amend or revise and to promulgate, in conformity with and subject to the conditions set forth in Iowa Code chapter 103A, reasonable rules designed to establish minimum safeguards in the erection and construction of buildings and structures, to protect the human beings who live and work in them from fire and other hazards, and to establish regulations to further protect the health, safety, and welfare of the public.

Pursuant to Iowa Code section 103A.7(2)"c," the rules shall include reasonable provisions for the manufacture and installation of factory-built structures. Iowa Code section 103A.9 states that the state building code shall contain provisions relating to the manufacture and installation of factory-built structures and provide requirements for factory-built structures.

Specifically, this proposed rulemaking allows and provides criteria for use of factory-built structures as temporary locations for businesses or commercial operations in areas subject to a disaster emergency proclamation issued by the Governor.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 29, 2025

No members of the public attended the public hearing, and no written or oral comments were received in response to the Regulatory Analysis. A public meeting of the Iowa Building Code Advisory Council was held on January 23, 2025, and the Council generally expressed approval of this proposed rulemaking, contingent on further review prior to final approval by the Council.

No changes from the Regulatory Analysis have been made.

Fiscal Impact

This rulemaking has no fiscal impact in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on April 23, 2025. Comments should be directed to:

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 10 to 10:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa
April 23, 2025 2:30 to 3 p.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa

Virtual participation information will be made available on the Department's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 323 and adopt the following **new** chapter in lieu thereof:

CHAPTER 323
TEMPORARY EMERGENCY USE OF FACTORY-BUILT STRUCTURES—COMMERCIAL USE

661—323.1(103A) Temporary factory-built structures for commercial use. A factory-built structure, as defined in Iowa Code section 103A.3, may be installed and used as a temporary location for a business or commercial operation, provided that all of the following apply:

323.1(1) The installation is in an area currently subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6.

EXCEPTION: If outside any area covered by a current disaster emergency proclamation, the installation is approved in writing by the building code commissioner provided that all of the other requirements of this rule are met.

323.1(2) The structure was manufactured to be installed without a permanent foundation.

323.1(3) The installation fully complies with all applicable installation requirements established by the manufacturer.

EXCEPTION: If specifications provided by the manufacturer provide for the use of both a support system and an anchoring system, a structure may be installed without a permanent support system, provided that an anchoring system is installed in compliance with specifications provided by the manufacturer and the owner or occupant ensures that straps or ties are loosened to prevent the structure from suffering damage from frost heave as needed between November 15 of any year during which it is in use and April 15 of the following year and retightened on or after April 15 and no later than May 15 of the following year.

323.1(4) The owner ensures full compliance with all maintenance requirements established by the manufacturer.

323.1(5) The structure complies with other applicable codes for the use of the structure, except that a structure installed in compliance with this rule is not required to display an Iowa seal as otherwise required by 661—subrules 16.610(21), 16.610(22), and 16.610(24).

323.1(6) The structure is not used as a private residence. More information on manufactured homes is available in 661—subrule 322.11(5).

323.1(7) The structure is vacated within 18 months of installation.

323.1(8) No portion of the structure is used as an educational occupancy unless written permission for such use has been issued by the fire control bureau and the building code commissioner.

323.1(9) No portion of the structure is used as a health care facility unless written permission for such use has been issued by the fire control bureau and the building code commissioner.

This rule is intended to implement Iowa Code sections 103A.7 and 103A.9.

ARC 9072C

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rulemaking related to inheritance tax and providing an opportunity for public comment

The Revenue Department hereby proposes to rescind Chapter 900, "Inheritance Tax"; to adopt a new Chapter 900 with the same title; and to rescind Chapter 901, "Iowa Estate Tax," and Chapter 902, "Generation Skipping Transfer Tax," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 450.3, 450A.12 (repealed by 2014 Iowa Acts, chapter 1076), 450B.7 and 451.12 (repealed by 2014 Iowa Acts, chapter 1076).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 450.98 and 450B.8 as enacted by 2021 Acts, Senate File 619, sections 12 and 13, respectively; and 2014 Iowa Acts, House File 2435, section 25.

Purpose and Summary

The purpose of the proposed rulemaking is to rescind and readopt Chapter 900 and rescind and reserve Chapters 901 and 902. These chapters focused on the administration and application of the State's inheritance tax, estate tax, and generation-skipping transfer tax, respectively. The Department proposes to rescind Chapters 901 and 902 because the underlying statutes regarding the State's estate and generation-skipping transfer taxes have been repealed. Further, the State's inheritance tax no longer applies to deaths occurring on or after January 1, 2025 (2021 Iowa Acts, Senate File 619, sections 12 and 13), so keeping Chapter 900 in its entirety could lead to confusion. Therefore, the Department proposes to readopt Chapter 900 with a reduction of the number of rules to one, which will provide guidance and direction to the public on the application of these taxes.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025. A public hearing was held on the following date(s):

- March 12, 2025

No public comments were received at the hearing or in writing. No changes from the Regulatory Analysis have been made. The Administrative Rules Coordinator provided preclearance for publication of this Notice of Intended Action on March 13, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Kurt Konek
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50306-3457
Phone: 515.587.0440
Email: kurt.konek@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 10:30 to 11 a.m.	Via videoconference call meet.google.com/foy-zciw-fkn
April 22, 2025 3 to 3:30 p.m.	Via videoconference call meet.google.com/ejj-jyxh-bvm

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 701—Chapter 900 and adopt the following **new** chapter in lieu thereof:

INHERITANCE TAX

CHAPTER 900
INHERITANCE TAX

701—900.1(450,450B) Administration.

900.1(1) *State inheritance tax.* For deaths occurring on or after January 1, 2025, no state inheritance tax is imposed. For deaths occurring before January 1, 2025, the administrative rules in effect for the year of the death of the decedent contain more information.

900.1(2) *Estate tax.* For deaths occurring on or after January 1, 2005, no estate tax is imposed. For deaths occurring before January 1, 2005, the administrative rules in effect for the year of the death of the decedent contain more information.

900.1(3) *Generation-skipping transfer tax.* For deaths occurring on or after January 1, 2005, no generation-skipping transfer tax is imposed. For deaths occurring before January 1, 2005, the administrative rules in effect for the year of the death of the decedent contain more information.

900.1(4) *Other applicable federal or state law.* Nothing in this chapter shall be construed to affect the provisions of any other federal or state law applicable to a decedent or a decedent's estate.

This rule is intended to implement Iowa Code sections 450.98 and 450B.8 and 2014 Iowa Acts, House File 2435, section 25.

ITEM 2. Rescind and reserve **701—Chapter 901**.

ITEM 3. Rescind and reserve **701—Chapter 902**.

ARC 9054C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Notice of Intended Action

Proposing rulemaking related to organization and administrative procedures and providing an opportunity for public comment

The School Budget Review Committee hereby proposes to rescind Chapter 1, "Organization and Administrative Procedures," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 257.30(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is proposed pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

No one attended the public hearing. No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Committee no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Stephanie Edler
School Budget Review Committee
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.689.2258
Email: stephanie.edler@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 8 to 8:30 a.m.	State Board Room Grimes State Office Building Des Moines, Iowa
April 22, 2025 1 to 1:30 p.m.	State Board Room Grimes State Office Building Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Committee and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 289—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND ADMINISTRATIVE PROCEDURES

289—1.1(257) School budget review committee. The school budget review committee (SBRC) is established to review and make recommendations on any rules, regulations, directives, or forms relating to budgeting and accounting in school districts and area education agencies (AEAs); to confer with local

school districts and make recommendations on any budgeting or accounting matters; and to grant supplemental aid or to grant a modified allowable growth in the budget year for any school district or AEA that has unusual circumstances that create a need for additional funds for operations or that must abate an environmental hazard due to a state or federal regulation. The SBRC may grant use of the unexpended general fund moneys for facilities under certain circumstances specified in the Iowa Code. The SBRC has the authority to direct the director of the department of education or the director of the department of management to make studies and investigations of school costs in any school district.

1.1(1) *Membership.* The SBRC is composed of the following six members:

a. The director of the department of education, who will serve as chairperson and conduct all meetings unless another member of the committee is asked by the director of the department of education to assume this role. The director of the department of education is a nonvoting member of the committee.

b. The director of the department of management, who will serve as secretary unless another member of the committee, department of education staff, or department of management staff is asked by the director of the department of management to assume this role. The designated secretary is not a voting member unless the designee is a regular member of the committee.

c. Four public members who are knowledgeable in the areas of school finance or public finance issues and who are appointed by the governor to represent the public. All committee members shall perform their assigned duties until a replacement has been appointed.

d. A staff person, employed by the department of education, to assist the SBRC.

1.1(2) *Qualifications of public members.* The four public members shall have general knowledge in the areas of Iowa school finance or public finance. At least one of the public members shall possess a master's or doctoral degree in which areas of school finance, economics or statistics are an integral component or shall have equivalent experience in an executive administrative or senior research position in the education or public administration field.

1.1(3) *Terms of office.* The public members appointed by the governor shall serve staggered three-year terms beginning and ending as provided in Iowa Code section 69.19. Members appointed by the governor are subject to senate confirmation as provided by Iowa Code section 2.32.

1.1(4) *Compensation.* The committee members representing the public are entitled to receive the committee members' necessary expenses while engaged in official duties. In addition, committee members shall be paid a per diem at the rate specified in Iowa Code section 7E.6. Per diem and expense payments shall be made from appropriations to the department of education.

289—1.2(257) Mailing address. The mailing address for all operations of the SBRC is Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

289—1.3(257) Information or submissions. Information inquiries or requests for hearings, for declaratory rulings, for participation in the rulemaking procedures of the SBRC, and for scheduling presentations to the committee should be addressed to the director of the department of education as chairperson of the SBRC.

289—1.4(257) Hearings.

1.4(1) *Number.* The committee shall meet and hold hearings each year and shall continue in session until it has reviewed budgets of school districts and completed other duties as found in Iowa Code sections 257.30 through 257.32 and 260C.18B. A minimum of three sessions to hold hearings shall be scheduled each fiscal year and shall be held during the months of October, December, and March. Revisions to these regularly scheduled sessions may be made if there are scheduling conflicts, if the SBRC determines that additional sessions are necessary, or if there are not sufficient hearing requests to hold a session.

1.4(2) *Notification to legislators and others.*

a. Legislators shall be notified of hearings of the SBRC for specific school districts, AEAs, or community colleges in their constituencies. Such notification may be written, oral, or electronic.

b. Public notice of all hearings scheduled by the SBRC shall be posted by the department of education on the department's website and on the first floor of the Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa.

1.4(3) *Hearing procedures.* The chairperson shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

1.4(4) *Quorum.*

a. Three voting members present constitute a quorum of the SBRC, and a quorum must be present to conduct a hearing at which official action is taken. Members may be present by electronic media.

b. If only three members are present, three favorable votes are necessary to pass a motion.

These rules are intended to implement Iowa Code sections 257.30 and 257.31.

ARC 9057C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Notice of Intended Action

Proposing rulemaking related to petitions for rulemaking and providing an opportunity for public comment

The School Budget Review Committee hereby proposes to rescind Chapter 2, "Petitions for Rule Making," and to adopt a new Chapter 2, "Petitions for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 257.30(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is proposed pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

No one attended the public hearing. No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Committee no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Stephanie Edler
School Budget Review Committee
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.689.2258
Email: stephanie.edler@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 8 to 8:30 a.m.	State Board Room Grimes State Office Building Des Moines, Iowa
April 22, 2025 1 to 1:30 p.m.	State Board Room Grimes State Office Building Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Committee and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 289—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
PETITIONS FOR RULEMAKING

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

289—2.1(17A) Petition for rulemaking. In lieu of the words "(designated office)", insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146". In lieu of the words "(AGENCY NAME)", the heading on the petition form should read:

"SCHOOL BUDGET REVIEW COMMITTEE"

289—2.3(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert, "Chairperson, School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

These rules are intended to implement Iowa Code section 17A.7.

ARC 9055C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Notice of Intended Action

Proposing rulemaking related to declaratory rulings and providing an opportunity for public comment

The School Budget Review Committee hereby proposes to rescind Chapter 3, "Declaratory Rulings," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 257.30(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is proposed pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

No one attended the public hearing. No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Committee no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Stephanie Edler
School Budget Review Committee
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.689.2258
Email: stephanie.edler@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 8 to 8:30 a.m.	State Board Room Grimes State Office Building Des Moines, Iowa
April 22, 2025 1 to 1:30 p.m.	State Board Room Grimes State Office Building Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Committee and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 289—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY RULINGS

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to declaratory rulings, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

289—3.1(17A) Petition for declaratory ruling. In lieu of the words "(designate office)", insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146". In lieu of the words "(AGENCY NAME)", the heading on the petition should read:

"SCHOOL BUDGET REVIEW COMMITTEE"

289—3.3(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert "Chairperson, School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

These rules are intended to implement Iowa Code section 17A.9.

ARC 9058C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Notice of Intended Action

Proposing rulemaking related to agency procedure for rulemaking and providing an opportunity for public comment

The School Budget Review Committee hereby proposes to rescind Chapter 4, "Agency Procedure for Rule Making," and to adopt a new Chapter 4, "Agency Procedure for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 257.30(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is proposed pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

No one attended the public hearing. No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Committee no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Stephanie Edler
School Budget Review Committee
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.689.2258
Email: stephanie.edler@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 8 to 8:30 a.m.	State Board Room Grimes State Office Building Des Moines, Iowa
April 22, 2025 1 to 1:30 p.m.	State Board Room Grimes State Office Building Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Committee and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 289—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

289—4.3(17A) Public rulemaking docket.

4.3(2) *Anticipated rulemaking.* In lieu of the words "(commission, board, council, director)", insert "school budget review committee".

289—4.4(17A) Notice of proposed rulemaking.

4.4(3) *Notices mailed.* In lieu of the words "(specific time period)", insert "three years".

289—4.5(17A) Public participation.

4.5(1) *Written comments.* In lieu of the words "(identify office and address)", insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

289—4.6(17A) Regulatory analysis.

4.6(3) *Mailing list.* In lieu of the words "(designate office)" insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

289—4.10(17A) Exemptions from public rulemaking procedures. Delete subrule 4.10(2) entitled "Categories exempt".

289—4.11(17A) Concise statement of reasons.

4.11(1) *General.* In lieu of the words "(specify the office and address)", insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

289—4.13(17A) Agency rulemaking record.

4.13(2) *Contents.*

c. In lieu of the words "(agency head)", insert "chairperson".

These rules are intended to implement Iowa Code section 17A.4.

ARC 9056C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Notice of Intended Action

Proposing rulemaking related to public records and fair information practices and providing an opportunity for public comment

The School Budget Review Committee hereby proposes to rescind Chapter 5, "Public Records and Fair Information Practices," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 257.30(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is proposed pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

No one attended the public hearing. No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Committee no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Stephanie Edler
School Budget Review Committee
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.689.2258
Email: stephanie.edler@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 8 to 8:30 a.m.	State Board Room Grimes State Office Building Des Moines, Iowa
April 22, 2025 1 to 1:30 p.m.	State Board Room Grimes State Office Building Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Committee and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 289—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to public records and fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

289—5.1(17A) Definitions. As used in this chapter:

"Agency." In lieu of the words "(official or body issuing these rules)", insert "school budget review committee".

289—5.3(17A) Requests for access to records.

5.3(1) *Location of record.* In lieu of the words "(insert agency head)", insert "chairperson of the committee". In lieu of the words "(insert agency name and address)", insert "School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

5.3(2) *Office hours.* In lieu of the words "(insert customary hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert "8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays".

5.3(7) *Fees.*

c. *Supervisory fee.* In lieu of the words "(specify time period)", insert "one-half hour". In lieu of the words "An agency wishing to deal with search fees authorized by law should do so here", insert "The committee will give advance notice to the requester if it will be necessary to use an employee with a higher hourly wage in order to find or supervise the particular records in question, and shall indicate the amount of that higher hourly wage to the requester."

289—5.6(17A) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words "(designate office)", insert "the office of the chairperson of this committee".

289—5.9(17A) Disclosures without the consent of the subject. Open records are routinely disclosed without the consent of the subject.

289—5.10(17A) Routine use.

5.10(1) "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose for which the record was collected. It includes disclosures required to be made by statute other than public records law, Iowa Code chapter 22.

5.10(2) To the extent allowed by law, the following uses are considered routine uses of all committee records:

a. Disclosure to those members of the committee who have a need for the record in the performance of their duties.

b. Information released to staff of federal and state entities for audit purposes or to determine whether the agency is operating a program lawfully.

289—5.11(17A) Availability of records. Agency records are open for public inspection and copying unless otherwise provided by rule or law.

289—5.12(17A) Rulemaking records. These records are routinely available to the public and may contain information about individuals making written or oral comments on proposed rules or proposing rules or rule amendments. This information is collected pursuant to Iowa Code sections 17A.3, 17A.4 and 17A.7. These records are stored on paper and not in an automated data processing system.

289—5.13(17A) Applicability. This chapter does not require the agency to index or retrieve records that contain information about individuals by that person's name or other personal identifier.

These rules are intended to implement Iowa Code section 17A.22.

ARC 9060C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Notice of Intended Action

Proposing rulemaking related to duties and operational procedures and providing an opportunity for public comment

The School Budget Review Committee hereby proposes to rescind Chapter 6, "Duties and Operational Procedures," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 257.30(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is proposed pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

No one attended the public hearing. No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Committee no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Stephanie Edler
School Budget Review Committee
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.689.2258
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Public Hearing

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Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Committee and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 289—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
DUTIES AND OPERATIONAL PROCEDURES

289—6.1(257) Definitions. For the purposes of this chapter, the following definitions apply.

"Area education agency" or *"AEA"* means an agency organized under Iowa Code chapter 273.

"Authorized budget" means the total dollars available as the expenditure limit for a school district for a specific fiscal year. This total is the combined district cost plus miscellaneous income actually received during the fiscal year, plus the unspent balance of the previous year.

"Base year" means the same as defined in Iowa Code section 257.2.

"Basis of accounting" means the accrual or modified accrual accounting basis under generally accepted accounting principles (GAAP) as defined by the Governmental Accounting Standards Board (GASB) and in effect on April 2, 2025.

"Basis of budgeting" means the accrual or modified accrual budgeting basis under GAAP as defined by GASB in effect on April 2, 2025.

"Budget year" means the same as defined in Iowa Code section 257.2.

"Certified budget" means the document that has been published and certified as provided for in Iowa Code chapter 24 and contains the amount proposed to be expended during the budget year.

"Collective action" means a situation that applies to multiple districts with the same or substantially similar needs and the committee has determined that the districts can be considered jointly in a single hearing.

"Committee" means the school budget review committee.

"Community college" means a publicly supported school organized under Iowa Code chapter 260C.

"Expenditures" means the total amounts paid from the general fund of a school corporation.

"Miscellaneous income" means the receipts deposited to the general fund of the school district but not including any of the following:

1. Foundation aid.
2. Revenue obtained from the foundation property tax as defined in Iowa Code section 257.3(1).
3. Cash reserve levy.
4. Revenue obtained from the additional property tax under Iowa Code section 257.4.

"Modified supplemental amount" means an amount expressed in dollars that is added to the district's authorized budget.

"School corporation" means a school district, AEA, or community college.

"School district" means a school corporation organized under Iowa Code chapter 274.

"Unexpended fund balance" means the school district's or AEA's fund balance in the general fund reported by the school district or AEA on the GAAP basis of accounting on its certified annual report.

"Unspent balance" means the amount of the authorized budget for the general fund less the amount expended during the budget year on the GAAP basis of budgeting as reported by the school district on its certified annual report.

289—6.2(257) Hearing procedures.

6.2(1) *Request for hearing.*

a. The board of a school corporation requesting a hearing before the committee is required to submit an electronic request to the committee stating the reason for the request for a hearing. The board is required to take official board action on the subject of the hearing, exhibits submitted to the committee, and the amount of the request, if applicable.

b. A request must be received by the committee at least one month prior to the date of the scheduled hearing.

c. School corporations with similar requests may appear and present their requests jointly at the discretion of the committee chairperson.

6.2(2) *Notification.*

a. An electronic confirmation of each request shall be provided to the school corporation upon receipt of the request for hearing.

b. The committee may require board members or employees of any school corporation to appear. School corporations required to have a board member or employee appear shall be notified no later than three weeks prior to the hearing.

c. School corporations scheduled for hearings shall be notified no later than one week prior to the hearing.

d. A school corporation desiring to withdraw its request to appear before the committee shall immediately inform the committee and the legislators within whose constituency the school corporation is located. A school corporation required to appear cannot withdraw without the approval of the committee.

6.2(3) *Material for the hearing.*

a. Any information requested by the committee must be provided within the timelines requested by the committee in order for the school corporation to be included on the schedule for a hearing. One full set of materials provided electronically in a format that can be cut and pasted into official documentation shall be submitted at least four weeks prior to the scheduled hearing. The committee chairperson may set an earlier due date for information if necessary for adequate review based on the quantity or complexity of hearings. If a school corporation's exhibits for a hearing the school corporation has requested are not received timely, the school corporation's hearing may be postponed to the next following regularly scheduled session. Where applicable, the committee will provide forms or checklists to school corporations to obtain uniform and comparable data for determining committee decisions.

b. School corporations shall include in their materials for the hearing a copy of the board minutes that include the official action taken by the applicable school corporation board on the subject of the hearing approving the district's hearing materials and authorizing the school corporation's administrative officials to request a modified supplemental amount or use of the unexpended fund balance.

c. It is the responsibility of the administrative officials and board members to present information and materials in support of their school corporation's request to the committee in a timely manner.

d. The committee may require staff of the department of education or department of management to appear or provide information for a hearing or for a study. The committee may require staff of any school corporation to provide information for a hearing related to another school corporation or for a study.

e. In order for the committee to have the information necessary to evaluate balances and budgets as required by the Iowa Code or to evaluate materials submitted by school districts or AEAs, all school districts and AEAs shall file financial and enrollment reports, including the certified annual report, in the manner, by the procedures, and by the dates prescribed by the department of education or department of management.

f. If the requirements in paragraph 6.2(3)*"e"* are not met, the committee may implement the procedures described in subrule 6.2(5).

g. Applications for any supplemental aid funding shall be filed by the due date established in the Iowa Code, an administrative rule, or otherwise by the department of education or department of management.

h. Applications for a modified supplemental amount for increased certified enrollment over the prior year's enrollment, applications for a modified supplemental amount to pay tuition costs for open-enrolled-out students who were not enrolled in the district on the certified enrollment date in the prior year, and applications for a modified supplemental amount for excess costs of instructional programs for English learner students must be received no later than December 1 of the budget year.

i. Applications for a modified supplemental amount for adopted program plans for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention shall be filed by January 15 of the base year.

j. Requests to charge administrative costs to the special education program for the subsequent fiscal year must be received no later than February 1 of the base year.

k. Applications described in paragraph 6.2(3)*"g"* that are not timely filed will not be considered for supplemental aid or for a modified supplemental amount. Applications described in paragraphs 6.2(3)*"h"* and *"j"* that are not timely filed may be considered at the sole discretion of the committee. Applications described in paragraph 6.2(3)*"i"* that are submitted after January 15 but before March 1 of the budget year preceding the budget year during which the program will be offered may be considered at the sole discretion of the committee; applications received after March 1 shall not be considered by the committee for any reason.

6.2(4) *Permission to speak during the hearing.* Any person wishing to appear before the committee, other than the board member or school corporation employee representing the school corporation, shall submit a request in writing prior to the hearing date. Permission may be granted to a request made at the hearing upon a majority vote of the committee members present.

6.2(5) *Failure to appear or to provide information.* If any school corporation fails to appear as required by the committee or fails to provide any information requested by the committee, including the reports described in paragraph 6.2(3)*"e,"* the committee may direct the director of the department of management to withhold state foundation aid until the school corporation complies with the committee's request. When the school corporation satisfactorily complies with the committee request, the withheld state foundation aid will be released and paid to the school corporation with the next regularly scheduled payment of foundation aid.

6.2(6) *Decisions by the committee.*

a. A decision to table, deny, modify, or grant the request of a school corporation shall be made no later than the end of the day of the hearing.

b. The school corporation shall receive electronic notification when a summary of the final action taken by the committee is posted on the committee website.

c. The committee shall consider the intent of Iowa Code chapter 257 in making its decisions. The intent includes the following:

(1) Equalizing educational opportunities,

(2) Providing a good education to all Iowa children,

(3) Providing property tax relief,

(4) Decreasing the percentage of school costs paid by property tax, and

(5) Providing reasonable control of school costs.

d. In addition to the requirements in Iowa Code section 257.31, the committee shall also consider in making its decisions the following:

(1) The amount of unexpended fund balance available in all funds.

(2) The amount of unspent balance in the general fund.

e. In addition to the requirements in Iowa Code section 257.31, the committee may consider the following if materials are requested or provided by the department or school corporation:

(1) Local school district tax rates.

(2) Local taxpayer support for the request.

(3) Local effort to obtain alternative funding where available and applicable.

(4) Documented actual costs of the program or project that is the subject of the request not otherwise covered by funding for the same program or need.

(5) Sustainability of the program or need within the district or AEA budget without future requests.

(6) Number and cost of previous requests for the same need and the number and cost of all previous requests.

(7) Alternative procedures in the Iowa Code or administrative rules to provide funding for the same program or need.

(8) Life safety issues other than those covered in Iowa Code section 257.31(6) documented through an independent, authoritative source.

(9) Unusual or unique nature of the need.

(10) Any other information the committee members consider pertinent to the consideration of the request.

6.2(7) *Routine action by the committee.* School corporations do not need to be represented when action under consideration is for such items as cash reserve levies; timely filed requests of a modified supplemental amount for adopted program plans for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention; special education balances; or other situations that are considered collective actions as determined by the committee.

6.2(8) *Basic policies.* The committee has established the following basic policies that it shall consider in rendering its decisions:

a. Modified supplemental amount requests shall be considered only for costs up through the budget year, except where the Iowa Code expressly authorizes a modified supplemental amount to be granted for a subsequent year.

b. Modified supplemental amount requests shall be considered only for expenditures permitted from the general fund pursuant to the Iowa Code.

c. Modified supplemental amount requests may be brought before the committee for unusual, unique or unforeseeable circumstances.

d. Modified supplemental amount requests shall be considered only to the extent of the actual, documented costs.

6.2(9) *Use of the unexpended fund balance.* If the committee approves use of the unexpended fund balance, the school district shall report to the committee as required by the committee an accounting of expenditures on the project until the project is completed. If any portion of the amount granted by the committee remains unexpended at the completion of the project, the school district shall notify the committee on or before the committee's next regularly scheduled meeting. Any portion of the amount granted by the committee that remains unexpended at the completion of the project shall be returned to the unexpended fund balance in the general fund.

6.2(10) *Modified supplemental amount to an AEA.* If the committee approves a modified supplemental amount for special education support services, approves an additional amount to be added to district costs for media services or educational services, or approves a modified supplemental amount for unusual circumstances, the amount shall be included in the budget of each district in the AEA for the subsequent budget year in the proportion that the appropriate enrollment of each district in the AEA bears to the total enrollment of all districts in the AEA.

289—6.3(257) General duties.

6.3(1) *Review of rules, regulations, directives and forms.* The committee may recommend the revision of any rules, regulations, directives, or forms relating to school district budgeting and accounting; confer with local school boards or their representatives and make recommendations relating to any budgeting or accounting matters; and direct the director of the department of education or the director of the department of management to make studies and investigations of school costs in any school district.

6.3(2) *Hearing decisions.* The committee shall maintain its decisions for each hearing. Materials provided by the requesting school corporation, materials provided by the department of education or department of management regarding each request, and the decisions of the committee are available for access by the public, including members of the general assembly.

289—6.4(257) Budgets.

6.4(1) *Generally accepted accounting principles.* All school districts and AEAs shall budget on the GAAP basis of budgeting as defined by GASB and as implemented in Uniform Financial Accounting for Iowa LEAs and AEAs (UFA) that is in effect on April 2, 2025. School districts and AEAs shall use the chart of accounts defined in the UFA.

6.4(2) *Accounting and reporting.* School districts and AEAs shall maintain financial records and prepare financial reports, including the certified annual report, in the manner and by the procedures

prescribed by the department of education or department of management in the UFA and by GAAP. School districts and AEAs shall use the prescribed chart of accounts.

6.4(3) *Negative unspent balances (exceeding authorized budgets).* If the school district has incurred a negative unspent balance, it shall notify the committee no later than October 15 and begin developing its corrective action plan to avoid future negative unspent balances.

a. A listing of the unspent balance as well as the unexpended fund balance of each school district for each fiscal year shall be reviewed by the committee. The unspent balance and the unexpended fund balance shall be presented on the GAAP basis.

b. The amount of any negative unspent balance shall be automatically subtracted from the authorized budget of a given school district during the subsequent fiscal year.

c. The state board of education may be notified of the school districts with negative unspent balances each year. The notification shall include the amount by which the school district exceeded its authorized budget.

d. The board president of each school district with a negative unspent balance shall be notified of the amount by which the school district exceeded its authorized budget. The school districts shall inform the committee at the committee's next regularly scheduled session of the plans that are being implemented to avoid future negative unspent balances.

e. The committee may require the district to continue to report progress on the district's plans at regular intervals as determined by the committee until the committee is satisfied that the district's financial condition concerns have been resolved.

6.4(4) *Cash reserve levy.*

a. Annually the school budget review committee shall review the amount of property tax levied by each school district for the cash reserve authorized in Iowa Code section 298.10.

b. If, in the committee's judgment, the amount of a district's cash reserve levy is unreasonably high or is in excess of the amount necessary for operations, the committee shall instruct the district to use the unexpended fund balance in lieu of levying property taxes and shall direct the director of the department of management to limit that school district's cash reserve levy to a level that is not excessive as determined by the committee and does not exceed the cash reserve limitation in paragraph 6.4(4)*"c."*

c. The cash reserve levies for the budget year shall not exceed 20 percent of the general fund expenditures for the year previous to the base year minus the general fund unexpended fund balance for the year previous to the base year. The expenditures and the fund balances shall be determined on the GAAP basis. For purposes of this subrule, "unexpended fund balance" shall mean the combined assigned and unassigned fund balances in the general fund.

d. A reduction in a district's property tax levy for a budget year for cash reserve shall not affect the school district's authorized budget.

289—6.5(257) Sharing. The committee may recommend that two or more school districts jointly employ and share the services of any school personnel or acquire and share the use of classrooms, laboratories, equipment, and facilities as specified in Iowa Code section 280.15.

289—6.6(257) Special education administrative costs.

6.6(1) When a school district presents evidence of unusual circumstances that would justify charging administrative costs to the special education program, the committee may authorize such expenditures.

6.6(2) The committee shall use the following criteria in evaluating the evidence presented by the district:

a. The school district has a separate facility for special education that has a sufficient student population to warrant a certified special education administrator. In this case, the district, after it has received approval from the committee, may bill the prorated cost of the special education administrator to other resident districts as well as include the prorated portion related to its own resident students in the special education program expenditures.

b. The school district has one or more private facilities located within the district with a sufficient special education student population that is served by the district. In this case, the district, after it has received approval from the committee, may include the lower of the prorated actual administrative costs or the prorated approved administrative costs in the billing to other resident districts in proportion to each district's resident students in the program and the prorated portion related to its own resident students in the special education program expenditures.

c. Districts making a request for administrative costs under this rule are limited to requesting the percentage of the employee(s) actual work time engaged in administrative work of the special education program offered at the private facility.

289—6.7(257) Area education agency budget review. Year-end special education support services assigned and unassigned fund balances exceeding 10 percent of the special education support services expenditures for that fiscal year may be reverted and reduced to 10 percent. The AEA shall report the necessary information for this calculation on its certified annual report to the department. The committee shall review the recommended reversion calculated by the department of education and shall make a recommendation to the department regarding final amounts to be reverted. The components of fund balances shall be determined in compliance with department of education guidance and GAAP.

These rules are intended to implement Iowa Code sections 257.30, 257.31, 257.32, 257.40, and 298.10 and chapter 260C.

ARC 9059C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Notice of Intended Action

Proposing rulemaking related to waivers and providing an opportunity for public comment

The School Budget Review Committee hereby proposes to rescind Chapter 8, "Waivers from Administrative Rules," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 257.30(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is proposed pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

No one attended the public hearing. No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Committee no later than 4:30 p.m. on April 22, 2025. Comments should be directed to:

Stephanie Edler
School Budget Review Committee
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
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Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

April 22, 2025 8 to 8:30 a.m.	State Board Room Grimes State Office Building Des Moines, Iowa
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Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Committee and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 289—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
WAIVERS FROM ADMINISTRATIVE RULES

289—8.1(17A,ExecOrd11) Definitions. For purposes of this chapter:

"Committee" means the school budget review committee.

"Person" means an individual, school corporation, government or governmental subdivision or agency, nonpublic school, partnership or association, or any legal entity.

"Waiver" means action by the director that suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

289—8.2(17A,ExecOrd11) Scope. This chapter outlines generally applicable standards and a uniform process for the granting of individual waivers from rules in situations where no other more specifically applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision supersedes this chapter with respect to any waiver from that rule.

289—8.3(17A,ExecOrd11) Applicability. A waiver from a rule may be granted only if the committee has jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions, or other provisions of law. Statutory duties or requirements created by statute will not be waived.

289—8.4(17A,ExecOrd11) Criteria for waiver. In response to a petition completed pursuant to rule 289—4.6(17A,ExecOrd11), the committee may, in the committee's sole discretion, issue an order waiving in whole or in part the requirements of a rule if the committee finds, based on clear and convincing evidence, all of the following:

8.4(1) The application of the rule to the person at issue would result in an undue hardship on the person for whom the waiver is requested;

8.4(2) The waiver from the requirement of the rule in the specific case would not prejudice the substantial legal rights of any person;

8.4(3) The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law;

8.4(4) Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested; and

8.4(5) The waiver from the requirements of the rule in the specific case would not have a negative impact on the student achievement of any person affected by the waiver.

289—8.5(17A,ExecOrd11) Filing of petition. All petitions for waiver must be submitted in writing to the School Budget Review Committee, Grimes State Office Building, 400 E. 14th Street, Des Moines, Iowa 50319-0146. If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case.

289—8.6(17A,ExecOrd11) Content of petition. A petition for waiver shall include the following information where applicable and known to the requester:

8.6(1) The name, address, and telephone number of the person for whom a waiver is being requested and the case number of any related contested case.

8.6(2) A description and citation of the specific rule from which a waiver is requested.

8.6(3) The specific waiver requested, including the precise scope and duration.

8.6(4) The relevant facts that the petitioner believes would justify a waiver under each of the five criteria described in rule 289—4.4(17A,ExecOrd11). This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

8.6(5) A history of any prior contacts between the board, the committee, and the petitioner relating to the regulated activity, license, or grant affected by the proposed waiver, including a description of each affected item held by the requester, any notices of violation, any contested case hearings, or any investigative reports relating to the regulated activity, license, or grant within the last five years.

8.6(6) A detailed statement of the impact on student achievement for any person affected by the granting of a waiver.

8.6(7) Any information known to the requester regarding the board's or committee's treatment of similar cases.

8.6(8) The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

8.6(9) The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

8.6(10) Signed releases of information authorizing persons with knowledge regarding the request to furnish the committee with information relevant to the waiver.

289—8.7(17A,ExecOrd11) Additional information. Prior to issuing an order granting or denying a waiver, the committee may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the committee may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the committee.

289—8.8(17A,ExecOrd11) Notice. The committee shall acknowledge a petition upon receipt. The committee shall ensure that notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law within 30 days of the receipt of the petition. In addition, the committee may give notice to other persons. To accomplish this notice provision, the committee may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the committee attesting that notice has been provided.

289—8.9(17A,ExecOrd11) Hearing procedures. The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply in three situations:

8.9(1) To any petition for a waiver filed within a contested case;

8.9(2) When provided by rule or order; or

8.9(3) When required to do so by statute.

289—8.10(17A,ExecOrd11) Ruling. An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and the reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

8.10(1) *Discretion.* The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the committee, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the committee based on the unique, individual circumstances set out in the petition.

8.10(2) *Burden of persuasion.* The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the committee should exercise the committee's discretion to grant a waiver from a rule.

8.10(3) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

8.10(4) *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the committee shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

8.10(5) *Conditions.* The committee may place any condition on a waiver that the committee finds desirable to protect the public health, safety, and welfare.

8.10(6) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the committee, a waiver may be renewed if the committee finds that grounds for a waiver continue to exist.

8.10(7) *Time for ruling.* The committee shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the committee shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

8.10(8) *When deemed denied.* Failure of the committee to grant or deny a petition within the required time period shall be deemed a denial of that petition by the committee. However, the committee shall remain responsible for issuing an order denying a waiver.

8.10(9) *Service of order.* Within seven days of its issuance, any order issued under this rule shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

289—8.11(17A,ExecOrd11) Public availability. All orders granting a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying waiver petitions are public records under Iowa Code chapter 22. The committee may accordingly redact confidential information from petitions or orders prior to public inspection.

289—8.12(17A,ExecOrd11) Cancellation. A waiver issued pursuant to this chapter may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the committee issues an order finding any of the following:

8.12(1) The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver;

8.12(2) The alternative means for ensuring that public health, safety, and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

8.12(3) The subject of the waiver order has failed to comply with all conditions contained in the order.

289—8.13(17A,ExecOrd11) Violations. Violation of conditions in the waiver approval is the equivalent of violation of the particular rule for which the waiver is granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

289—8.14(17A,ExecOrd11) Defense. After the committee issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

289—8.15(17A,ExecOrd11) Judicial review. Judicial review of the committee's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code section 17A.9A.

ARC 9069C

LABOR SERVICES DIVISION[875]

Adopted and Filed Emergency After Notice

Rulemaking related to general industry safety and health rules

The Labor Services Division hereby amends Chapter 10, "General Industry Safety And Health Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 88.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 29 CFR 1910.

Purpose and Summary

This rulemaking adopts an amendment that adopts by reference a mandatory federal rule relating to the classification and labeling of hazardous chemicals. The federal rule corrects typographical errors and makes technical changes to 89 Fed. Reg. 44144 (May 20, 2024), adopted in **ARC 8411C**, IAB 11/27/24. In addition, the rulemaking adds a reference to 54 Fed. Reg. 31765 (August 1, 1989), which was unintentionally omitted from adoption in **ARC 8411C**.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 5, 2025, as **ARC 8864C**. A public hearing was held on the following date(s):

- February 25, 2025
- February 26, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), the Division finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on March 12, 2025, because this rulemaking adopts an amendment to federal law, confers a benefit on employees by enhancing employee work safety, and confers a benefit on employers by meeting a deadline, which is a necessary condition of continuing to administer work safety law by a state program. Adopting federal Occupational Safety and Health Administration (OSHA) amendments is mandatory for the state-run OSHA program to be "as effective as" federal OSHA per OSHA Instruction CSP 01-00-005.

Adoption of Rulemaking

This rulemaking was adopted by the Division on March 12, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking became effective on March 12, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend rule 875—10.4(88) as follows:

875—10.4(88) Adoption by reference. The rules beginning at 1910.20 and continuing through 1910, as adopted by the United States Secretary of Labor, shall be the rules for implementing Iowa Code chapter 88. This rule adopts the Federal Occupational Safety and Health Standards of 29 CFR, Chapter XVII, Part 1910, as published at 37 Fed. Reg. 22102 to 22324 (October 18, 1972) and as amended at:
37 Fed. Reg. 23719 (November 8, 1972)
37 Fed. Reg. 24749 (November 21, 1972)
38 Fed. Reg. 3599 (February 8, 1973)
38 Fed. Reg. 9079 (April 10, 1973)
38 Fed. Reg. 10932 (May 3, 1973)
38 Fed. Reg. 14373 (June 1, 1973)
38 Fed. Reg. 16223 (June 21, 1973)
38 Fed. Reg. 19030 (July 17, 1973)
38 Fed. Reg. 27048 (September 28, 1973)
38 Fed. Reg. 28035 (October 11, 1973)
38 Fed. Reg. 33397 (December 4, 1973)
39 Fed. Reg. 1437 (January 9, 1974)
39 Fed. Reg. 3760 (January 29, 1974)
39 Fed. Reg. 6110 (February 19, 1974)
39 Fed. Reg. 9958 (March 15, 1974)
39 Fed. Reg. 19468 (June 3, 1974)
39 Fed. Reg. 35896 (October 4, 1974)
39 Fed. Reg. 41846 (December 3, 1974)
39 Fed. Reg. 41848 (December 3, 1974)
40 Fed. Reg. 3982 (January 27, 1975)
40 Fed. Reg. 13439 (March 26, 1975)
40 Fed. Reg. 18446 (April 28, 1975)
40 Fed. Reg. 23072 (May 28, 1975)
40 Fed. Reg. 23743 (June 2, 1975)
40 Fed. Reg. 24522 (June 9, 1975)
40 Fed. Reg. 27369 (June 27, 1975)
40 Fed. Reg. 31598 (July 28, 1975)
41 Fed. Reg. 11504 (March 19, 1976)
41 Fed. Reg. 13352 (March 30, 1976)

41 Fed. Reg. 35184 (August 20, 1976)
41 Fed. Reg. 46784 (October 22, 1976)
41 Fed. Reg. 55703 (December 21, 1976)
42 Fed. Reg. 2956 (January 14, 1977)
42 Fed. Reg. 3304 (January 18, 1977)
42 Fed. Reg. 45544 (September 9, 1977)
42 Fed. Reg. 46540 (September 16, 1977)
42 Fed. Reg. 37668 (July 22, 1977)
43 Fed. Reg. 11527 (March 17, 1978)
43 Fed. Reg. 19624 (May 5, 1978)
43 Fed. Reg. 27394 (June 23, 1978)
43 Fed. Reg. 27434 (June 23, 1978)
43 Fed. Reg. 28472 (June 30, 1978)
43 Fed. Reg. 28473 (June 30, 1978)
43 Fed. Reg. 31330 (July 21, 1978)
43 Fed. Reg. 35032 (August 8, 1978)
43 Fed. Reg. 45809 (October 3, 1978)
43 Fed. Reg. 49744 (October 24, 1978)
43 Fed. Reg. 51759 (November 7, 1978)
43 Fed. Reg. 53007 (November 14, 1978)
43 Fed. Reg. 56893 (December 5, 1978)
43 Fed. Reg. 57602 (December 8, 1978)
44 Fed. Reg. 5447 (January 26, 1979)
44 Fed. Reg. 50338 (August 28, 1979)
44 Fed. Reg. 60981 (October 23, 1979)
44 Fed. Reg. 68827 (November 30, 1979)
45 Fed. Reg. 6713 (January 29, 1980)
45 Fed. Reg. 8594 (February 8, 1980)
45 Fed. Reg. 12417 (February 26, 1980)
45 Fed. Reg. 35277 (May 23, 1980)
45 Fed. Reg. 41634 (June 20, 1980)
45 Fed. Reg. 54333 (August 15, 1980)
45 Fed. Reg. 60703 (September 12, 1980)
46 Fed. Reg. 4056 (January 16, 1981)
46 Fed. Reg. 6288 (January 21, 1981)
46 Fed. Reg. 24557 (May 1, 1981)
46 Fed. Reg. 32022 (June 19, 1981)
46 Fed. Reg. 40185 (August 7, 1981)
46 Fed. Reg. 2632 (August 21, 1981)
46 Fed. Reg. 42632 (August 21, 1981)
46 Fed. Reg. 45333 (September 11, 1981)
46 Fed. Reg. 60775 (December 11, 1981)
47 Fed. Reg. 39161 (September 7, 1982)
47 Fed. Reg. 51117 (November 12, 1982)
47 Fed. Reg. 53365 (November 26, 1982)
48 Fed. Reg. 2768 (January 21, 1983)
48 Fed. Reg. 9641 (March 8, 1983)
48 Fed. Reg. 9776 (March 8, 1983)
48 Fed. Reg. 29687 (June 28, 1983)
49 Fed. Reg. 881 (January 6, 1984)
49 Fed. Reg. 4350 (February 3, 1984)
49 Fed. Reg. 5321 (February 10, 1984)

49 Fed. Reg. 25796 (June 22, 1984)
50 Fed. Reg. 1050 (January 9, 1985)
50 Fed. Reg. 4648 (February 1, 1985)
50 Fed. Reg. 9800 (March 12, 1985)
50 Fed. Reg. 36992 (September 11, 1985)
50 Fed. Reg. 37353 (September 13, 1985)
50 Fed. Reg. 41494 (October 11, 1985)
50 Fed. Reg. 51173 (December 13, 1985)
51 Fed. Reg. 22733 (June 20, 1986)
51 Fed. Reg. 24325 (July 3, 1986)
51 Fed. Reg. 25053 (July 10, 1986)
51 Fed. Reg. 33033 (September 18, 1986)
51 Fed. Reg. 33260 (September 19, 1986)
51 Fed. Reg. 34560 (September 29, 1986)
51 Fed. Reg. 45663 (December 19, 1986)
52 Fed. Reg. 16241 (May 4, 1987)
52 Fed. Reg. 17753 (May 12, 1987)
52 Fed. Reg. 34562 (September 11, 1987)
52 Fed. Reg. 36026 (September 25, 1987)
52 Fed. Reg. 36387 (September 28, 1987)
52 Fed. Reg. 46291 (December 4, 1987)
52 Fed. Reg. 49624 (December 31, 1987)
53 Fed. Reg. 6629 (March 2, 1988)
53 Fed. Reg. 8352 (March 14, 1988)
53 Fed. Reg. 11436 (April 6, 1988)
53 Fed. Reg. 12120 (April 12, 1988)
53 Fed. Reg. 16838 (May 11, 1988)
53 Fed. Reg. 17695 (May 18, 1988)
53 Fed. Reg. 27346 (July 20, 1988)
53 Fed. Reg. 27960 (July 26, 1988)
53 Fed. Reg. 34736 (September 8, 1988)
53 Fed. Reg. 35625 (September 14, 1988)
53 Fed. Reg. 37080 (September 23, 1988)
53 Fed. Reg. 38162 (September 29, 1988)
53 Fed. Reg. 39581 (October 7, 1988)
53 Fed. Reg. 45080 (November 8, 1988)
53 Fed. Reg. 47188 (November 22, 1988)
53 Fed. Reg. 49981 (December 13, 1988)
54 Fed. Reg. 2920 (January 19, 1989)
54 Fed. Reg. 6888 (February 15, 1989)
54 Fed. Reg. 9317 (March 6, 1989)
54 Fed. Reg. 12792 (March 28, 1989)
54 Fed. Reg. 28054 (July 5, 1989)
54 Fed. Reg. 29274 (July 11, 1989)
54 Fed. Reg. 29545 (July 13, 1989)
54 Fed. Reg. 30704 (July 21, 1989)
54 Fed. Reg. 31456 (July 28, 1989)
54 Fed. Reg. 31765 (August 1, 1989)
54 Fed. Reg. 36687 (September 1, 1989)
54 Fed. Reg. 36767 (September 5, 1989)
54 Fed. Reg. 37531 (September 11, 1989)
54 Fed. Reg. 41364 (October 6, 1989)

54 Fed. Reg. 46610 (November 6, 1989)
54 Fed. Reg. 47513 (November 15, 1989)
54 Fed. Reg. 49971 (December 4, 1989)
54 Fed. Reg. 50372 (December 6, 1989)
54 Fed. Reg. 52024 (December 20, 1989)
55 Fed. Reg. 3146 (January 30, 1990)
55 Fed. Reg. 3300 (January 31, 1990)
55 Fed. Reg. 3723 (February 5, 1990)
55 Fed. Reg. 4998 (February 13, 1990)
55 Fed. Reg. 7967 (March 6, 1990)
55 Fed. Reg. 12110 (March 30, 1990)
55 Fed. Reg. 12819 (April 6, 1990)
55 Fed. Reg. 13696 (April 11, 1990)
55 Fed. Reg. 14073 (April 13, 1990)
55 Fed. Reg. 19259 (May 9, 1990)
55 Fed. Reg. 25094 (June 10, 1990)
55 Fed. Reg. 26431 (June 28, 1990)
55 Fed. Reg. 32014 (August 6, 1990)
55 Fed. Reg. 38677 (September 20, 1990)
55 Fed. Reg. 46053 (November 1, 1990)
55 Fed. Reg. 46949 (November 8, 1990)
55 Fed. Reg. 50686 (December 10, 1990)
56 Fed. Reg. 15832 (April 18, 1991)
56 Fed. Reg. 24686 (May 31, 1991)
56 Fed. Reg. 43700 (September 4, 1991)
56 Fed. Reg. 64175 (December 6, 1991)
57 Fed. Reg. 6403 (February 24, 1992)
57 Fed. Reg. 7847 (March 4, 1992)
57 Fed. Reg. 7878 (March 5, 1992)
57 Fed. Reg. 22307 (May 27, 1992)
57 Fed. Reg. 24330 (June 8, 1992)
57 Fed. Reg. 24701 (June 10, 1992)
57 Fed. Reg. 27160 (June 18, 1992)
57 Fed. Reg. 29204 (July 1, 1992)
57 Fed. Reg. 29206 (July 1, 1992)
57 Fed. Reg. 35666 (August 10, 1992)
57 Fed. Reg. 42388 (September 14, 1992)
58 Fed. Reg. 4549 (January 14, 1993)
58 Fed. Reg.15089 (March 19, 1993)
58 Fed. Reg. 16496 (March 29, 1993)
58 Fed. Reg. 21778 (April 23, 1993)
58 Fed. Reg. 34845 (June 29, 1993)
58 Fed. Reg. 35308 (June 30, 1993)
58 Fed. Reg. 35340 (June 30, 1993)
58 Fed. Reg. 40191 (July 27, 1993)
59 Fed. Reg. 4435 (January 31, 1994)
59 Fed. Reg. 6169 (February 9, 1994)
59 Fed. Reg. 16360 (April 6, 1994)
59 Fed. Reg. 26115 (May 19, 1994)
59 Fed. Reg. 33661 (June 30, 1994)
59 Fed. Reg. 33910 (July 1, 1994)
59 Fed. Reg. 36699 (July 19, 1994)

59 Fed. Reg. 40729 (August 9, 1994)
59 Fed. Reg. 41057 (August 10, 1994)
59 Fed. Reg. 43270 (August 22, 1994)
59 Fed. Reg. 51741 (October 12, 1994)
59 Fed. Reg. 65948 (December 22, 1994)
60 Fed. Reg. 9624 (February 21, 1995)
60 Fed. Reg. 11194 (March 1, 1995)
60 Fed. Reg. 33344 (June 28, 1995)
60 Fed. Reg. 33984 (June 29, 1995)
60 Fed. Reg. 47035 (September 8, 1995)
60 Fed. Reg. 52859 (October 11, 1995)
61 Fed. Reg. 5508 (February 13, 1996)
61 Fed. Reg. 9230 (March 7, 1996)
61 Fed. Reg. 9583 (March 8, 1996)
61 Fed. Reg. 19548 (May 2, 1996)
61 Fed. Reg. 21228 (May 9, 1996)
61 Fed. Reg. 31430 (June 20, 1996)
61 Fed. Reg. 43456 (August 23, 1996)
61 Fed. Reg. 56831 (November 4, 1996)
62 Fed. Reg. 1600 (January 10, 1997)
62 Fed. Reg. 29668 (June 2, 1997)
62 Fed. Reg. 40195 (July 25, 1997)
62 Fed. Reg. 42018 (August 4, 1997)
62 Fed. Reg. 42666 (August 8, 1997)
62 Fed. Reg. 43581 (August 14, 1997)
62 Fed. Reg. 48175 (September 15, 1997)
62 Fed. Reg. 54383 (October 20, 1997)
62 Fed. Reg. 65203 (December 11, 1997)
62 Fed. Reg. 66276 (December 18, 1997)
63 Fed. Reg. 1269 (January 8, 1998)
63 Fed. Reg. 13339 (March 19, 1998)
63 Fed. Reg. 17093 (April 8, 1998)
63 Fed. Reg. 20098 (April 23, 1998)
63 Fed. Reg. 33467 (June 18, 1998)
63 Fed. Reg. 50729 (September 22, 1998)
63 Fed. Reg. 66038 (December 1, 1998)
63 Fed. Reg. 66270 (December 1, 1998)
64 Fed. Reg. 13700 (March 22, 1999)
64 Fed. Reg. 13908 (March 23, 1999)
64 Fed. Reg. 22552 (April 27, 1999)
65 Fed. Reg. 76567 (December 7, 2000)
66 Fed. Reg. 5324 (January 18, 2001)
66 Fed. Reg. 18191 (April 6, 2001)
67 Fed. Reg. 67961 (November 7, 2002)
68 Fed. Reg. 75780 (December 31, 2003)
69 Fed. Reg. 7363 (February 17, 2004)
69 Fed. Reg. 31881 (June 8, 2004)
69 Fed. Reg. 46993 (August 4, 2004)
70 Fed. Reg. 53929 (September 13, 2005)
70 Fed. Reg. 1140 (January 5, 2005)
71 Fed. Reg. 10373 (February 28, 2006)
71 Fed. Reg. 36008 (June 23, 2006)

71 Fed. Reg. 63242 (October 30, 2006)
72 Fed. Reg. 7190 (February 14, 2007)
72 Fed. Reg. 64428 (November 15, 2007)
72 Fed. Reg. 71068 (December 14, 2007)
73 Fed. Reg. 75583 (December 12, 2008)
68 Fed. Reg. 32638 (June 2, 2003)
74 Fed. Reg. 46355 (September 9, 2009)
74 Fed. Reg. 40447 (August 11, 2009)
75 Fed. Reg. 12685 (March 17, 2010)
76 Fed. Reg. 33606 (June 8, 2011)
76 Fed. Reg. 75786 (December 5, 2011)
77 Fed. Reg. 17764 (March 26, 2012)
76 Fed. Reg. 80738 (December 27, 2011)
77 Fed. Reg. 37598 (June 22, 2012)
77 Fed. Reg. 46949 (August 7, 2012)
78 Fed. Reg. 9313 (February 8, 2013)
78 Fed. Reg. 69549 (November 20, 2013)
79 Fed. Reg. 20629 (April 11, 2014)
79 Fed. Reg. 56960 (September 24, 2014)
80 Fed. Reg. 60036 (October 5, 2015)
81 Fed. Reg. 16090 (March 25, 2016)
81 Fed. Reg. 16861 (March 25, 2016)
81 Fed. Reg. 82981 (November 18, 2016)
82 Fed. Reg. 2735 (January 9, 2017)
83 Fed. Reg. 19948 (May 7, 2018)
84 Fed. Reg. 21457 (May 14, 2019)
84 Fed. Reg. 50755 (September 26, 2019)
84 Fed. Reg. 68795 (December 17, 2019)
85 Fed. Reg. 8731 (February 18, 2020)
86 Fed. Reg. 32620 (June 21, 2021)
86 Fed. Reg. 32620 (June 22, 2021)
83 Fed. Reg. 31045 (July 3, 2018)
85 Fed. Reg. 42625 (July 14, 2020)
89 Fed. Reg. 44144 (May 20, 2024)
89 Fed. Reg. 81829 (October 9, 2024)

[Filed Emergency After Notice 3/12/25, effective 3/12/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9062C

ALCOHOLIC BEVERAGES DIVISION[185]

Adopted and Filed

Rulemaking related to retail alcohol licenses—beer permits—wine permits; license and permit division; transportation and warehouse; personal importation of alcoholic liquor, wine, and beer; and trade practices

The Department of Revenue hereby rescinds Chapter 4, "Retail Alcohol Licenses—Beer Permits—Wine Permits," Chapter 5, "License and Permit Division," Chapter 8, "Transportation and Warehouse," Chapter 9, "Personal Importation of Alcoholic Liquor, Wine, and Beer," and Chapter 16, "Trade Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 123.10, 123.49, and 123.186.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.18, 123.3, 123.4, 123.10, 123.22, 123.24, 123.30 through 123.31B, 123.33, 123.35, 123.38, 123.39, 123.45, 123.49 to 123.50, 123.59, 123.92 to 123.94, 123.122, 123.127, 123.171, 123.175, 123.176, 123.183, and 123.186.

Purpose and Summary

Chapters 4, 5, 8, 9, and 16 are all designed for alcohol license, permit, and certificate of compliance holders to better understand requirements they must follow pertaining to their license, permit, or certificate type. As part of the government reorganization pursuant to 2023 Iowa Acts, Senate File 514, the Department is rescinding the existing chapters under agency [185] in this rulemaking and is adopting them as new 701—Chapters 1000 through 1003 in separate rulemakings herein (IAB 4/2/25).

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 5, 2025, as **ARC 8731C**. Public hearings were held on the following date(s):

- February 25, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 185—Chapter 19.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 7, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **185—Chapter 4**.

ITEM 2. Rescind and reserve **185—Chapter 5**.

ITEM 3. Rescind and reserve **185—Chapter 8**.

ITEM 4. Rescind and reserve **185—Chapter 9**.

ITEM 5. Rescind and reserve **185—Chapter 16**.

[Filed 3/14/25, effective 5/7/25]
[Published 4/2/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9063C

ALCOHOLIC BEVERAGES DIVISION[185]

Adopted and Filed

Rulemaking related to private wine sales

The Department of Revenue hereby rescinds Chapter 14, "Private Wine Sales," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 123.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 123.10 and 123.180.

Purpose and Summary

This chapter describes the requirements needed for Class "A" wine permittees to engage in private wine sales with other licensees within the state. The purpose of this rulemaking is to rescind Chapter 14 because the Department determined it is outdated and obsolete, as required by Executive Order 10.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 5, 2025, as **ARC 8730C**. Public hearings were held on the following date:

- February 25, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 185—Chapter 19.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 7, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **185—Chapter 14**.

[Filed 3/14/25, effective 5/7/25]
[Published 4/2/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9064C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to facility assessments

The Department of Health and Human Services hereby rescinds Chapter 36, "Facility Assessments," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 249A.21, 249L.4 and 249M.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 249A, 249L and 249M.

Purpose and Summary

This rulemaking is in response to Executive Order 10. This chapter outlines the quality assurance assessment fee (QAAF) for nursing facilities, provider taxes for Intermediate Care Facilities for the Intellectually Disabled (ICFs/ID), and health care access assessments for hospitals pursuant to Iowa Code chapters 249A, 249L, and 249M.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8712C**. A public hearing was held on the following date(s):

- January 28, 2025
- January 29, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 36 and adopt the following **new** chapter in lieu thereof:

CHAPTER 36
FACILITY ASSESSMENTS

441—36.1(249A) Intermediate care facilities for persons with an intellectual disability assessment. Intermediate care facilities for persons with an intellectual disability (ICFs/ID) licensed in Iowa under 481—Chapter 64, including facilities not certified to participate in the Medicaid program, shall pay a quarterly fee to the department. The fee equals 5.5 percent of actual paid claims, from all sources, for the facility's preceding quarter.

441—36.2(249A) Determination and payment of fee. For all ICFs/ID licensed in Iowa under 481—Chapter 64, including facilities not certified to participate in the Medicaid program, the fee shall be determined and paid as follows:

36.2(1) Each facility shall pay the assessment to the department on a quarterly basis. The facility shall:

a. Use a form prescribed by the department to calculate the quarterly fee due.

b. Submit the form and the quarterly fee no later than 30 days following the end of each calendar quarter.

36.2(2) The facility shall calculate the amount of the quarterly fee due by multiplying 5.5 percent by the facility's total ICF/ID payments for services received from all sources during the preceding quarter, including but not limited to:

a. Medicaid managed care payments.

b. Client participation payments.

c. Medicaid fee-for-service payments.

d. Private pay/insurance payments.

e. Ancillary service payments.

36.2(3) If the department determines that an ICF/ID has underpaid or overpaid the fee, the department will notify the ICF/ID of the amount of the unpaid fee or refund due. Such amount shall be due or refunded within 30 days of the issuance of the notice.

36.2(4) An ICF/ID that fails to pay the fee within 30 days of the issuance of the notice shall pay a penalty in the amount of 1.5 percent of the unpaid fee due for each month or portion of a month that the unpaid fee is overdue.

a. If the ICF/ID substantiates good cause beyond the facility's control for failure to make timely payment of the fee, the department will waive the penalty or a portion of the penalty. For purposes of this subrule, "good cause" means the same as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

b. Requests for a good cause waiver must be submitted to the department within 30 days of notice to the facility that the penalty is due.

441—36.3(249L) Nursing facility assessment.

36.3(1) *Applicability.* All nursing facilities as defined in Iowa Code section 135C.1 that are free-standing facilities or are operated by a hospital licensed pursuant to Iowa Code chapter 135B shall pay a quarterly assessment to the department, as determined under these rules, with the exception of:

a. Nursing facilities operated by the state.

b. Non-state government-owned or government-operated nursing facilities.

c. Distinct-part skilled nursing units and swing-bed units operated by a hospital.

36.3(2) *Assessment level.*

a. Effective April 1, 2023, nursing facilities with 46 or fewer licensed beds are required to pay a quality assurance assessment of $6.51 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2021, the number of licensed beds on file with the department of inspections, appeals, and licensing as of June 1 of each year shall be used to determine the assessment level for the following state fiscal year.

b. Effective July 1, 2024, nursing facilities designated as continuing care retirement centers (CCRCs) by the insurance division of the department of insurance and financial services are required to pay a quality assurance assessment of $6.51 per non-Medicare patient day. Effective with the assessment for the state fiscal year beginning July 1, 2021, continuing care retirement center designations as of June 1 of each year shall be used to determine the assessment level for the following state fiscal year.

c. Effective April 1, 2023, nursing facilities with annual Iowa Medicaid patient days of 19,000 or more are required to pay a quality assurance assessment of $6.51 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2021, the annual number of Iowa Medicaid patient days reported in the most current cost report submitted to the department as of June 1 of each year shall be used to determine the assessment level for the following state fiscal year.

d. Effective April 1, 2023, all other nursing facilities are required to pay a quality assurance assessment of $33.90 per non-Medicare patient day.

441—36.4(249L) Determination and payment of assessment. The assessment shall be determined and paid as follows:

36.4(1) Each nursing facility shall pay the quality assurance assessment to the department on a quarterly basis. The facility shall:

a. Use the form prescribed by the department to calculate the quarterly assessment amount due.

b. Submit the form and the quarterly assessment payment no later than 30 days following the end of each calendar quarter.

36.4(2) The facility shall calculate the amount of the quarterly assessment due by multiplying the facility's total non-Medicare patient days for the preceding quarter by the applicable assessment level as determined in subrule 36.6(2).

36.4(3) If the department determines that a nursing facility has underpaid or overpaid the quality assurance assessment, the department will notify the nursing facility of the amount of the unpaid quality assurance assessment or refund due. Such amount shall be due or refunded within 30 days of the issuance of the notice.

36.4(4) A nursing facility that fails to pay the quality assurance assessment within 30 days of the issuance of the notice will pay a penalty in the amount of 1.5 percent of the quality assurance assessment amount owed for each month or portion of a month that the payment is overdue.

a. If the facility substantiates good cause beyond the facility's control for failure to comply with payment of the quality assurance assessment, the department will waive the penalty or a portion of the penalty. For purposes of this subrule, "good cause" means the same as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

b. Requests for a good cause waiver must be submitted to the department within 30 days of notice to the facility that the penalty is due.

441—36.5(249M) Participating hospital assessment.

36.5(1) *Participating hospitals.* For the purpose of the health care access assessment program, a "participating hospital" is defined as a non-state-owned hospital licensed under Iowa Code chapter 135B that is paid on a prospective payment system basis by Medicare and the medical assistance programs for inpatient and outpatient services.

36.5(2) *Assessment.* Participating hospitals are required to pay a quarterly health care access assessment equal to 1.26 percent of net patient revenue as specified in the hospital's fiscal year 2008 Medicare cost report. "Net patient revenue" means all revenue reported for acute patient care and services but does not include:

a. Contractual adjustments,

b. Charity care,

c. Bad debt,

d. Medicare revenue, or

e. Other revenue derived from sources other than hospital operations, including but not limited to:

(1) Nonoperating revenue,

(2) Other operating revenue,

(3) Skilled nursing facility revenue,

(4) Physician revenue, and

(5) Long-term care revenue.

441—36.6(249M) Determination and payment of assessment. The assessment shall be determined and paid as follows:

36.6(1) The department will calculate the annual amount of the health care access assessment as 1.26 percent of net patient revenue as specified in the participating hospital's fiscal year 2008 Medicare cost report. The annual amount will be divided by four to calculate the quarterly amount.

36.6(2) Each participating hospital shall pay the health care access assessment to the department on a quarterly basis. The hospital shall submit the quarterly assessment payment no later than 30 days following the end of each calendar quarter.

36.6(3) A participating hospital shall retain and preserve the Medicare cost report and financial statements used to prepare the cost report in accordance with Iowa Code section 249M.3.

36.6(4) If the department determines that a participating hospital has underpaid or overpaid the health care access assessment, the department will notify the hospital of the amount of the unpaid health care access assessment or refund due. Such amount shall be due or refunded within 30 days of the issuance of the notice.

36.6(5) A participating hospital that fails to pay the health care access assessment within 30 days of the issuance of the notice will pay a penalty in the amount of 1.5 percent of the health care access assessment amount owed for each month or portion of a month that the payment is overdue.

a. If the department determines that good cause is shown for failure to comply with payment of the health care access assessment, the department will waive the penalty or a portion of the penalty.

b. Requests for a good cause waiver must be submitted to the department within 30 days of notice to the facility that the penalty is due.

These rules are intended to implement Iowa Code chapters 249A, 249L, and 249M.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9065C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to promoting awareness of the benefits of a healthy marriage

The Department of Health and Human Services hereby adopts new Chapter 48, "Promoting Awareness of the Benefits of a Healthy Marriage Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

These rules implement the Iowa Promoting Awareness of the Benefits of a Healthy Marriage Program (program). This program uses federal funds from the Temporary Assistance to Needy Families (TANF) block grant to provide information to certain households about the benefits of a healthy and stable marriage. The language in this new chapter was previously Division I of 441—Chapter 47, but during a Red Tape Review pursuant to Executive Order 10, the Department determined that the division would be better as a standalone chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8709C**. A public hearing was held on the following date(s):

- January 28, 2025
- January 29, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 441—Chapter 48:

CHAPTER 48
PROMOTING AWARENESS OF THE BENEFITS OF A HEALTHY MARRIAGE

441—48.1(234) Definitions.

"Asset" means the same as defined in Iowa Code section 239.1 to the extent it is consistent with 7 CFR 273.8 as amended to March 1, 2025.

"SNAP" means the supplemental nutrition assistance program under 441—Chapter 65.

441—48.2(234) Eligibility criteria. Eligibility for the promoting awareness of the benefits of a healthy marriage program is always determined in conjunction with determination of eligibility for SNAP.

48.2(1) *Application.* There is no separate application for the program. Eligibility for the program is determined whenever the department determines a household's eligibility for SNAP.

48.2(2) *Resources.* The maximum allowed household asset limit for the program is $15,000. Resources shall be counted in accordance with Iowa Code section 239.4(1).

48.2(3) *Income.* The household's gross countable monthly income determined according to 441—Chapter 65 must be less than or equal to 160 percent of the current federal poverty guidelines for the household size. The income eligibility limits as described in this subrule are revised each October 1 to reflect the annual adjustment to the federal poverty guidelines.

48.2(4) *Otherwise eligible for SNAP.* The household must meet all eligibility criteria for SNAP except as provided in this rule. A household that includes a member who is currently disqualified from SNAP due to an intentional program violation is not eligible for the program.

48.2(5) *Minimum SNAP benefit.* The household must be eligible for a monthly SNAP benefit greater than zero. Households with a monthly SNAP benefit of zero are not eligible for the program.

441—48.3(234) Notice and eligibility period. A household that meets all of the eligibility criteria in this chapter will receive written notice of its eligibility for the promoting awareness of the benefits of a healthy marriage program.

48.3(1) *Written information.* Households determined eligible for the program will receive written information about the benefits of a healthy and stable marriage.

48.3(2) *Eligibility period.* A household that is determined eligible for the program will remain eligible for the program until the earlier of the following events:

a. The household fails to meet the eligibility criteria under this chapter, or

b. The household's SNAP certification period under 441—Chapter 65 ends.

These rules are intended to implement Iowa Code section 234.6.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9066C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to intermediate care facilities for persons with an intellectual disability

The Department of Health and Human Services hereby rescinds Chapter 82, "Intermediate Care Facilities for Persons with an Intellectual Disability," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 249A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 249A and 42 CFR 483.

Purpose and Summary

This rulemaking is in response to Executive Order 10. This chapter provides operational and reimbursement rules for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/ID). These rules and the underlying federal regulations allow the Department to hold providers accountable and help ensure quality care for resident members on Medicaid. As part of the Red Tape Review, the Department removed restrictive terms, removed language duplicative of federal regulations and cited back to the CFR, updated Department names, removed references to specific form numbers, and made other nonsubstantive changes.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8713C**. A public hearing was held on the following date(s):

- January 28, 2025
- January 29, 2025

No one attended the public hearings. No public comments were received.

One change from the Notice has been made. The Department received feedback from its State Operated Specialty Care Division that changing the cadence of cost report submission and subsequent rate changes from semiannually to annually would reduce administrative burden. The Department reviewed this proposed change with its fiscal bureau and determined it would have nominal changes for both the Woodward Resource Center and for Medicaid managed care organizations (MCOs). As such, paragraphs 82.4(12)"e" and 82.4(16)"h" were adjusted to reflect the change to an annual cadence.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 82 and adopt the following **new** chapter in lieu thereof:

CHAPTER 82
INTERMEDIATE CARE FACILITIES FOR PERSONS
WITH AN INTELLECTUAL DISABILITY

441—82.1(249A) Definitions.

"Intermediate care facility for persons with an intellectual disability" or *"ICF/ID"* means an institution that is primarily for the diagnosis, treatment, or rehabilitation of persons with an intellectual disability or persons with related conditions and that provides, in a protected residential setting, ongoing evaluation, planning, 24-hour supervision, coordination and integration of health or related services to help each person function at the greatest ability and is an approved Medicaid vendor.

"Intermediate care facility for persons with an intellectual disability level of care" means that the individual has a diagnosis of intellectual disability made in accordance with the criteria provided in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association as amended to August 1, 2024; or has a related condition as defined in 42 CFR 435.1009 as amended to August 1, 2024; and needs assistance in at least three of the following major life areas: mobility, musculoskeletal skills, activities of daily living, domestic skills, toileting, eating skills,

vision, hearing or speech or both, gross/fine motor skills, sensory-taste, smell, tactile, academic skills, vocational skills, social/community skills, behavior, and health care.

"Intermediate care facility for persons with medical complexity" means an intermediate care facility for persons with an intellectual disability that provides health and rehabilitation services to individuals who require a skilled nursing level of care, have either a multiple organ dysfunction or severe single organ dysfunction, and require daily use of medical resources or technology.

"Managed care organization" means an entity that (1) is under contract with the department to provide services to Medicaid recipients and (2) meets the definition of "health maintenance organization" as defined in Iowa Code section 514B.1.

This rule is intended to implement Iowa Code section 249A.12.

441—82.2(249A) Licensing and certification. In order to participate in the program, a facility shall be licensed as an intermediate care facility for persons with an intellectual disability by the department of inspections, appeals, and licensing pursuant to 481—Chapter 64. The facility shall meet the following conditions of participation.

82.2(1) *Governing body and management—disclosure of ownership.* The facility shall supply to the licensing agency full and complete information, and promptly report any changes that would affect the current accuracy of the information, as to identify:

a. Each person having a direct or indirect ownership interest of 5 percent or more in the facility and the owner in whole or in part of any property or assets (stock, mortgage, deed of trust, note or other obligation) secured in whole or in part by the facility.

b. Each officer and director of the corporation if the facility is organized as a corporation.

c. Each partner if the facility is organized as a partnership.

82.2(2) *Client protections.* The facility shall ensure the rights of all clients in accordance with 42 CFR 483.420 as amended to August 1, 2024.

82.2(3) *Facility staffing.* The facility shall provide adequate, qualified professional staffing in accordance with 42 CFR 483.430 as amended to August 1, 2024.

82.2(4) *Active treatment services.* Each client shall receive a continuous active treatment program in accordance with 42 CFR 483.440 as amended to August 1, 2024.

82.2(5) *Client behavior and facility practices.* Each facility shall establish and maintain standards for client behavior and facility practices in accordance with 42 CFR 483.450 as amended to August 1, 2024.

82.2(6) *Health care services.* Each facility shall establish and maintain standards for health care services in accordance with 42 CFR 483.460 as amended to August 1, 2024.

82.2(7) *Physical environment.* Each facility shall establish and maintain standards for the physical environment in accordance with 42 CFR 483.470 as amended to August 1, 2024.

82.2(8) *Dietetic services.* Each facility shall establish and maintain standards for dietary services in accordance with 42 CFR 483.480 as amended to August 1, 2024.

This rule is intended to implement Iowa Code section 249A.12.

441—82.3(249A) Conditions of participation for intermediate care facilities for persons with an intellectual disability. All intermediate care facilities for persons with an intellectual disability must enter into a contractual agreement with the department that sets forth the terms under which they will participate in the program.

This rule is intended to implement Iowa Code section 249A.12.

441—82.4(249A) Financial and statistical report. All facilities wishing to participate in the program shall submit a financial and statistical report to the department. These reports shall be based on the following rules.

82.4(1) *Failure to maintain records.* Failure to maintain and submit adequate accounting or statistical records shall result in termination or suspension of participation in the program.

82.4(2) *Accounting procedures.* Financial information shall be based on that appearing in the audited financial statement. Adjustments to convert to the accrual basis of accounting shall be made

when the records are maintained on other accounting bases. Facilities that are a part of a larger health facility extending short-term, intensive, or other health care not generally considered nursing care may submit a cost apportionment schedule prepared in accordance with recognized methods and procedures. The schedule shall be required when necessary for a fair presentation of expense attributable to intermediate care facility patients.

82.4(3) *Submission of reports.* The facility's cost report shall be received by the department no later than September 30 each year except as described in subrule 82.4(14).

a. The submission shall include a working trial balance that corresponds to all financial data contained on the cost report. The working trial balance must provide sufficient detail to enable the department to reconcile accounts reported on the general ledger to those on the financial and statistical report. For reporting costs that are not directly assigned to the facility in the working trial balance, an allocation method must be identified for each line, including the statistics used in the calculation. Reports submitted without a working trial balance shall be considered incomplete, and the facility shall be subject to the rate reductions set forth in paragraph 82.4(3)*"c."*

b. If the financial statements have been compiled, reviewed or audited by an outside firm, a copy of the compilation, review or audit, including notes, for the reporting period shall be included with the submission of the financial and statistical report.

c. Failure to timely submit the complete report shall reduce payment to 75 percent of the current rate.

(1) The reduced rate shall be effective October 1 and shall remain in effect until the first day of the month after the delinquent report is received by the department.

(2) The reduced rate shall be paid for no longer than three months, after which time no further payments will be made until the first day of the month after the delinquent report is received by the department.

d. Amended reports. The department, in its sole discretion, may reopen a review of a financial and statistical report at any time. No other entity or person has the right to request that the department or its contractor reopen a review of a financial and statistical report, or submit an amended financial and statistical report for review by the department, after the facility is notified of its per diem payment rate following a review of a financial and statistical report.

e. When an intermediate care facility for persons with an intellectual disability continues to include in the total costs an item or items that had in a prior period been removed through an adjustment made by the department or its contractor, the contractor shall recommend to the department that the per diem be reduced to 75 percent of the current payment rate for the entire quarter beginning the first day of the fourth month after the facility's fiscal year end. If the adjustment has been contested and is still in the appeals process, the facility may include the cost, but must include sufficient detail so the department can determine if a similar adjustment is needed in the current period. The department may, after considering the seriousness of the offense, make the reduction.

f. Nothing in this subrule relieves a facility of its obligation to immediately inform the department that the facility has retained Medicaid funds to which the facility is not entitled as a result of any cost report process. A facility shall notify the department when the facility determines that funds have been incorrectly paid or when an overpayment has been detected.

82.4(4) *Payment at new rate.* When a new rate is established, payment at the new rate will be effective with services rendered as of the first day of the month in which the report is postmarked, or if the report was personally delivered, the first day of the month in which the report was received by the department. Adjustments will be included in the payment the third month after the receipt of the report.

82.4(5) *Accrual basis.* Facilities not using the accrual basis of accounting shall adjust recorded amounts to the accrual basis. Expenses pertaining to an entire year shall be properly amortized by month in order to be properly recorded for the annual fiscal year report. Records of cash receipts and disbursements shall be adjusted to reflect accruals of income and expense.

82.4(6) *Census of Medicaid members.* Census figures of Medicaid members shall be obtained on the last day of the month ending the reporting period.

82.4(7) *Patient days.* In determining inpatient days, a patient day is that period of service rendered a patient between the census-taking hours on two successive days, the day of discharge being counted only when the patient was admitted that same day.

82.4(8) *Opinion of accountant.* The department may require that an opinion of a certified public accountant or public accountant accompany the report when adjustments made to prior reports indicate disregard of the certification and reporting instructions.

82.4(9) *Calculating patient days.* When calculating patient days, facilities shall use an accumulation method.

a. Census information shall be based on a patient status at midnight each day. A patient whose status changes from one class to another shall be shown as discharged from the previous status and admitted to the new status on the same day.

b. When a member is on a reserve bed status and the department is paying on a per diem basis for the holding of a bed, or any day a bed is reserved for a public assistance or nonpublic assistance patient and a per diem rate for the bed is charged to any party, the reserved days shall be included in the total census figures for inpatient days.

82.4(10) *Revenues.* Revenues shall be reported as recorded in the general books and records. Expense recoveries credited to expense accounts shall not be reclassified in order to be reflected as revenues.

a. Routine daily services shall represent the established charge for daily care. Routine daily services are those services that include room, board, nursing services, and such services as supervision, feeding, incontinence, and similar services, for which the associated costs are in nursing service.

b. Revenue from ancillary services provided to patients shall be applied in reduction of the related expense.

c. Revenue from the sale of medical supplies, food or services to employees or nonresidents of the facility shall be applied in reduction of the related expense. Revenue from the sale to private-pay residents of items or services that are included in the medical assistance per diem will not be offset.

d. Investment income adjustment is necessary only when interest expense is incurred, and only to the extent of the interest expense.

e. Laundry revenue shall be applied to laundry expense.

f. Accounts receivable charged off or provision for uncollectible accounts shall be reported as a deduction from gross revenue.

82.4(11) *Limitation of expenses.* Certain expenses that are not normally incurred in providing patient care shall be eliminated or limited according to the following rules:

a. Federal and state income taxes are not allowed as reimbursable costs. These taxes are considered in computing the fee for services for proprietary institutions.

b. Fees paid to directors and nonworking officers' salaries are not allowed as reimbursable costs.

c. Personal travel and entertainment are not allowed as reimbursable costs. Certain expenses such as rental or depreciation of a vehicle and expenses of travel that include both business and personal shall be prorated. Amounts that appear excessive may be limited after considering the specific circumstances. Records shall be maintained to substantiate the indicated charges.

d. Loan acquisition fees and standby fees are not considered part of the current expense of patient care, but should be amortized over the life of the related loan.

e. A reasonable allowance of compensation for services of owners or immediate relatives is an allowable cost, provided the services are actually performed in a necessary function. For this purpose, the following persons are considered immediate relatives: husband and wife; natural parent, child and sibling; adopted child and adoptive parent; stepparent, stepchild, stepbrother and stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law; grandparent and grandchild. Adequate time records shall be maintained. Adjustments may be necessary to provide compensation as an expense for nonsalaried working proprietors and partners. Members of religious orders serving under an agreement with their administrative office are allowed salaries paid persons performing comparable services. When maintenance is provided these persons by the facility,

consideration shall be given to the value of these benefits and this amount shall be deducted from the amount otherwise allowed for a person not receiving maintenance.

(1) Compensation means the total benefit received by the owner or immediate relative for services rendered. Compensation includes all remuneration, paid currently or accrued, for managerial, administrative, professional and other services rendered during the period. Compensation includes all items that should be reflected on IRS Form W-2, Wage and Tax Statement, including but not limited to salaries, wages, and fringe benefits; the cost of assets and services received; and deferred compensation. Fringe benefits include but are not limited to costs of leave, employee insurance, pensions and unemployment plans. If the facility's fiscal year end does not correlate to the period of the W-2, a reconciliation between the latest issued W-2 and current compensation shall be required to be disclosed to the department. Employer portions of payroll taxes associated with amounts of compensation that exceed the maximum allowed compensation are unallowable for reimbursement. All compensation paid to related parties, including payroll taxes, are required to be reported to the department with the submission of the financial and statistical report. If it is determined that there have been undisclosed related-party salaries, the cost report shall be determined to have been submitted incomplete and the facility shall be subject to the penalties set forth in paragraph 82.4(3)*"c."*

(2) Reasonableness requires that the compensation allowance be such an amount as would ordinarily be paid for comparable services by comparable institutions and depends upon the facts and circumstances of each case.

(3) Necessary requires that the function be such that had the owner or immediate relative not rendered the services, the facility would have had to employ another person to perform the service, and be pertinent to the operation and sound conduct of the institution.

(4) The base maximum allowed compensation for an administrator who is involved in ownership of the facility or who is an immediate relative of an owner of the facility is $1,926 per month plus $20.53 per month per licensed bed capacity for each bed over 60, not to exceed $2,852 per month. An administrator is considered to be involved in ownership of a facility when the administrator has ownership interest of 5 percent or more.

On an annual basis, the maximum allowed compensation amounts for these administrators will be increased or decreased by the inflation factor applied to facility rates.

(5) The maximum allowed compensation for an assistant administrator who is involved in ownership of the facility or who is an immediate relative of an owner of the facility in facilities having a licensed capacity of 151 or more beds is 60 percent of the amount allowed for the administrator. An assistant administrator is considered to be involved in ownership of a facility when the assistant administrator has ownership interest of 5 percent or more.

(6) The maximum allowed compensation for a director of nursing or any employee who is involved in ownership of the facility or who is an immediate relative of an owner of the facility is 60 percent of the amount allowed for the administrator. Persons involved in ownership or relatives providing professional services shall be limited to rates prevailing in the community not to exceed 60 percent of the allowable rate for the administrator on a semiannual basis. Records shall be maintained in the same manner for an employee involved in ownership as are maintained for any employee of the facility. Ownership is defined as an interest of 5 percent or more.

(7) The maximum allowed compensation for employees as set forth in subparagraphs 82.4(11)*"e"*(4) through 82.4(11)*"e"*(6) shall be adjusted by the percentage of the average work week that the employee devoted to business activity at the intermediate care facility for persons with an intellectual disability for the fiscal year of the financial and statistical report. The time devoted to the business shall be disclosed on the financial and statistical report and shall correspond to any amounts reported to the Medicare fiscal intermediary. If an owner's or immediate relative's time is allocated to the facility from another entity (e.g., home office), the compensation limit will be adjusted by the percentage of total costs of the entity allocated to the facility. In no case shall the amount of salary for one employee allocated to multiple facilities be more than the maximum allowed compensation for that employee had the salary been allocated to only one facility.

f. Management fees and home office costs are allowed only to the extent they are related to patient care and replace or enhance but do not duplicate functions otherwise carried out in a facility.

g. Depreciation based upon tax cost using only the straight-line method of computation, recognizing the estimated useful life of the asset as defined in the American Hospital Association's Estimated Useful Lives of Depreciable Hospital Assets (2023 edition), may be included as a patient cost. When accelerated methods of computation have been elected for income tax purposes, an adjustment will be made. For change of ownership, refer to subrule 82.4(12).

h. Necessary and proper interest on both current and capital indebtedness is an allowable cost.

(1) Interest is the cost incurred for the use of borrowed funds. Interest on current indebtedness is the cost incurred for funds borrowed for a relatively short term. Interest on capital indebtedness is the cost incurred for funds borrowed for capital purposes.

(2) Necessary requires that the interest be incurred on a loan made to satisfy a financial need of the provider, be incurred on a loan made for a purpose reasonably related to patient care, and be reduced by investment income except where the income is from gifts and grants, whether restricted or unrestricted, and that are held separate and not commingled with other funds.

(3) Proper requires that interest be incurred at a rate not in excess of what a prudent borrower would have had to pay in the money market on the date the loan was made, and be paid to a lender not related through control or ownership to the borrowing organization.

(4) Interest on loans is allowable as cost at a rate not in excess of the amount an investor could receive on funds invested in the locality on the date the loan was made.

(5) Interest is an allowable cost when the general fund of a provider borrows from a donor-restricted fund, a funded depreciation account of the provider, or the provider's qualified pension fund, and pays interest to the fund, or when a provider operated by members of a religious order borrows from the order.

(6) When funded depreciation is used for purposes other than improvement, replacement or expansion of facilities or equipment related to patient care, allowable interest expense is reduced to adjust for offsets not made in prior years for earnings on funded depreciation. A similar treatment will be accorded deposits in the provider's qualified pension fund where the deposits are used for other than the purpose for which the fund was established.

i. Costs applicable to supplies furnished by a related party or organization are a reimbursable cost when included at the cost to the related party or organization. The cost shall not exceed the price of comparable supplies that could be purchased elsewhere.

(1) Related means that the facility, to a significant extent, is associated with or has control of or is controlled by the organization furnishing the services, facilities, or supplies.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in the facility and the institution or organization serving the provider.

(3) Control exists where an individual or an organization has power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution.

(4) When the facility demonstrates by convincing evidence that the supplying organization is a bona fide separate organization; that a substantial part of its business activity of the type carried on with the facility is transacted with others and there is an open competitive market for the type of services, facilities, or supplies furnished by the organization; that the services, facilities, or supplies are those that commonly are obtained by similar institutions from other organizations and are not a basic element of patient care ordinarily furnished directly to patients by the institutions; and that the charge to the facility is in line with the charge for services, facilities, or supplies in the open market and no more than the charge made under comparable circumstances to others by the organization for the services, facilities, or supplies, the charges by the supplier shall be allowable costs.

j. A facility entering into a new or renewed rent or lease agreement on or after June 1, 1994, shall be subject to the provisions of this paragraph.

(1) When the operator of a participating facility rents from a nonrelated party, the amount of rent expense allowable on the cost report is the lesser of the actual rent payments made under the terms of the lease or an annual reasonable rate of return applied to the cost of the facility. The cost of the facility shall

be determined as the historical cost of the facility in the hands of the owner when the facility first entered the Iowa Medicaid program. Where the facility has previously participated in the program, the cost of the facility shall be determined as the historical cost of the facility, as above, less accumulated depreciation claimed for cost reimbursement under the program. The annual reasonable rate of return is defined as one and one-half times the annualized interest rate of 30-year Treasury bonds as reported by the Federal Reserve Board on a weekly-average basis, at the date the lease was entered into.

(2) When the operator of a participating facility rents the building from a related party, the amount of rent expense allowable on the cost report is limited to the lesser of the actual rent payments made under the terms of the lease or the amount of property costs that would otherwise have been allowable under the Iowa Medicaid program to an owner-provider of that facility.

(3) The lessee shall submit a copy of the lease agreement, documentation of the cost basis used and a schedule demonstrating that the limitations have been met with the first cost report filed for which lease costs are claimed.

k. Each facility that supplies transportation services as defined in Iowa Code section 324A.1(1) shall provide current documentation of compliance with or exemption from public transit coordination requirements as found in Iowa Code chapter 324A and department of transportation rules 761—Chapter 910 at the time of annual contract renewal. Failure to cooperate in obtaining or in providing the required documentation of compliance or exemption after receipt from the Iowa department of transportation, public transit division, will result in disallowance of vehicle costs and other costs associated with transporting residents.

l. Reserved.

m. Reasonable legal, accounting, consulting and other professional fees, including association dues, are allowable costs if the fees are directly related to patient care. Legal, accounting, consulting and other professional fees, including association dues, described by the following are not considered to be patient-related and therefore are not allowable expenses:

(1) Any fees or portion of fees used or designated for lobbying.

(2) Nonrefundable and unused retainers.

(3) Fees paid by the facility for the benefit of employees.

(4) Legal fees, expenses related to expert witnesses, accounting fees and other consulting fees incurred in an administrative or judicial proceeding. However, facilities may report the reasonable costs incurred in an administrative or judicial proceeding if all of the following conditions are met. Recognition of any costs will be in the fiscal period when a final determination in the administrative or judicial proceeding is made.

1. The costs have actually been incurred and paid,
2. The costs are reasonable expenditures for the services obtained,
3. The facility has made a good-faith effort to settle the disputed issue before the completion of the administrative or judicial proceeding, and
4. The facility prevails on the disputed issue.

n. Penalties or fines imposed by federal or state agencies are not allowable expenses.

o. Penalties, fines or fees imposed for insufficient funds or delinquent payments are not allowable expenses.

82.4(12) *Termination or change of owner.*

a. A participating facility contemplating termination of participation or negotiating a change of ownership shall provide the department with at least 60 days' prior notice. A transfer of ownership or operation terminates the participation agreement. A new owner or operator shall establish that the facility meets the conditions for participation and enter into a new agreement. The person responsible for transfer of ownership or for termination is responsible for submission of a final financial and statistical report through the date of the transfer. No payment to the new owner will be made until formal notification is received. The following situations are defined as a transfer of ownership:

(1) In the case of a partnership that is a party to an agreement to participate in the medical assistance program, the removal, addition, or substitution of an individual for a partner in the association, in the absence of an express statement to the contrary, dissolves the old partnership and creates a new

partnership that is not a party to the previously executed agreement and a transfer of ownership has occurred.

(2) When a participating nursing home is a sole proprietorship, a transfer of title and property to another party constitutes a change of ownership.

(3) When the facility is a corporation, neither a transfer of corporate stock nor a merger of one or more corporations with the participating corporation surviving is a transfer of ownership. A consolidation of two or more corporations resulting in the creation of a new corporate entity constitutes a change of ownership.

(4) When a participating facility is leased, a transfer of ownership is considered to have taken place. When the entire facility is leased, the total agreement with the lessor terminates. When only part of the facility is leased, the agreement remains in effect with respect to the unleased portion but terminates with respect to the leased portion.

b. No increase in the value of the property is allowed in determining the Medicaid rate for the new owner with any change of ownership (including lease agreements). When filing the first cost report, the new owner shall either continue the schedule of depreciation and interest established by the previous owner, or the new owner may choose to claim the actual rate of interest expense. The results of the actual rate of interest expense shall not be higher than would be allowed under the Medicare principles of reimbursement and shall be applied to the allowed depreciable value established by the previous owner, less any down payment made by the new owner.

c. Other acquisition costs of the new owner such as legal fees, accounting and administrative costs, travel costs and the costs of feasibility studies attributable to the negotiation or settlement of the sale or purchase of the property are not allowed.

d. In general, the provisions of Section 1861(v)(1)(0) of the Social Security Act (as amended to August 1, 2024) regarding payment allowed under Medicare principles of reimbursement at the time of a change of ownership shall be followed, except that no return on equity or recapture of depreciation provisions shall be employed.

e. A new owner or lessee wishing to claim a new rate of interest expense must submit documentation that verifies the amount of down payment made, the actual rate of interest, and the number of years required for repayment with the next annual cost report. In the absence of the necessary supportive documentation, interest and other property costs for all facilities that have changed or will change ownership shall continue at the rate allowed the previous owner.

82.4(13) *Assessed fee.* The fee assessed pursuant to 441—Chapter 36 is not an allowable cost for cost reporting and audit purposes. In lieu of treating the fee as an allowable cost, a per diem assessment amount is added to the reimbursement rate calculated under subrule 82.4(14), not subject to the maximum allowable base cost or maximum rate set at the eightieth percentile. The per diem assessment amount will be calculated by dividing the annual assessment paid by the reported total patient days.

82.4(14) *Payment to new facility.* A facility receiving Medicaid ICF/ID certification on or after July 1, 1992, is subject to the provisions of this subrule.

a. A facility receiving initial Medicaid certification for ICF/ID level of care shall submit a budget for six months of operation beginning with the month in which Medicaid certification is given. The budget shall be submitted at least 30 days in advance of the anticipated certification date. The Medicaid per diem rate for a new facility will be based on the submitted budget subject to review by the accounting firm under contract with the department. The rate will be subject to a maximum set at the eightieth percentile of all participating community-based Iowa ICFs/ID with established base rates. The eightieth percentile maximum rate will be adjusted July 1 of each year. The state hospital schools are not to be included in the compilation of facility costs. The beginning rates for a new facility will be effective with the date of Medicaid certification.

b. Initial cost report. Following six months of operation as a Medicaid-certified ICF/ID, the facility shall submit a report of actual costs. The rate computed from this cost report shall be adjusted to 100 percent occupancy plus the annual percentage increase of the Consumer Price Index for all urban consumers, U.S. city average (hereafter referred to as the Consumer Price Index). Business start-up and organization costs shall be accounted for in the manner prescribed by the Medicare and Medicaid

standards. Any costs that are properly identifiable as start-up costs, organization costs or capitalizable as construction costs must be appropriately classified as such.

(1) Start-up costs. In the period of developing a provider's ability to furnish patient care services, certain costs are incurred. The costs incurred during this time of preparation are referred to as start-up costs. Since these costs are related to patient care services rendered after the time of preparation, the costs must be capitalized as deferred charges and amortized over a five-year period.

Start-up costs include, for example, administrative and program staff salaries, heat, gas and electricity, taxes, insurance, mortgage and other interest, employee training costs, repairs and maintenance, and housekeeping.

(2) Organization costs. Organization costs are those costs directly related to the creation of a corporation or other form of business. These costs are an intangible asset in that they represent expenditures for rights and privileges that have a value to the enterprise. The services inherent in organization costs extend over more than one accounting period and affect the costs of future periods of operation. Organization costs must be amortized over a five-year period.

1. Allowable organization costs. Allowable organization costs include but are not limited to legal fees incurred in establishing the corporation or other organization (such as drafting the corporate charter and bylaws, legal agreements, minutes of organization meetings, terms of original stock certificates), necessary accounting fees, expenses of temporary directors and organizational meetings of directors and stockholders, and fees paid to states for incorporation.

2. Unallowable organization costs. The following types of costs are not allowable organization costs: costs relating to the issuance and sale of shares of capital stock or other securities, such as underwriters' fees and commissions, accountant's or lawyer's fees; costs of qualifying the issues with the appropriate state or federal authorities; and stamp taxes.

c. Standardization of cost reporting period for new facilities.

(1) Facilities receiving initial certification between July 1 and December 31 (inclusive) shall submit three successive six-month cost reports covering their first 18 months of operation. The fourth six-month cost report shall cover the January 1 through June 30 period. Thereafter, the facility shall submit a cost report on an annual basis of July 1 through June 30.

(2) Facilities receiving initial certification between January 1 and June 30 (inclusive) shall submit two successive six-month cost reports covering the first 12 months of operation. The third six-month cost report shall cover the January 1 through June 30 period. Thereafter, the facility shall submit a cost report on an annual basis of July 1 through June 30.

(3) All facilities shall comply with the requirements of subrule 82.4(3) when submitting reports.

d. Completion of 12 months of operation. Following the first 12 months of operation as a Medicaid-certified ICF/ID as described in subrule 82.4(14), the facility shall submit a cost report for the second six months of operation. An on-site audit of facility costs shall be performed by the accounting firm under contract with the department. Based on the audited cost report, a rate will be established for the facility. This rate will be considered the base rate until rebasing of facility costs occurs.

(1) A new maximum allowable base cost will be calculated each year by increasing the prior year's maximum allowable base by the annual percentage increase of the Consumer Price Index.

(2) Each year's maximum allowable base cost represents the maximum amount that can be reimbursed.

e. Maximum rate. Facilities will be subject to a maximum rate set at the eightieth percentile of the total per diem cost of all participating community-based ICFs/ID with established base rates. The eightieth percentile maximum rate will be adjusted July 1 of each year using cost reports on file December 31 of the previous year.

f. Incentive factor. New facilities that complete the second annual period of operation that have an annual per unit cost percentage increase of less than the percentage increase of the Consumer Price Index, as described in 82.4(14)*"d,"* will be given their actual percentage increase plus one-half the difference of their actual percentage increase compared to the allowable maximum percentage increase. This percentage difference multiplied by the actual per diem cost for the annual period just completed is the incentive factor.

(1) The incentive factor will be added to the new reimbursement base rate to be used as the per diem rate for the next annual period of operation.

(2) Facilities whose annual per unit cost decreased from the prior year shall be given their actual per unit cost plus one and one-half the percentage increase in the Consumer Price Index as an incentive for cost containment.

g. Reimbursement for first annual period. The reimbursement for the first annual period will be determined by multiplying the per diem rate calculated for the base period by the Consumer Price Index plus one.

(1) The projected reimbursement for each period thereafter (until rebasing) will be calculated by multiplying the lower of the prior year's actual or the projected reimbursement per diem by the Consumer Price Index.

(2) If a facility experiences an increase in actual costs that exceeds both the actual reimbursement and the maximum allowable base cost as determined for that annual period, the facility will receive as reimbursement in the following period the maximum allowable base as calculated.

(3) All calculated per diem rates will be subject to the prevailing maximum rate.

82.4(15) *Payment to new owner.* An existing facility with a new owner will continue with the previous owner's per diem rate until a new financial and statistical report has been submitted and a new rate established according to subrule 82.4(16). The facility may submit a report for the period of July 1 through June 30 or may submit two cost reports within the fiscal year provided the second report covers a period of at least six months ending on the last day of the fiscal year. The facility shall notify the department of the reporting option selected.

82.4(16) *Payment to existing facilities.* The following reimbursement limits apply to all non-state-owned ICFs/ID:

a. Each facility shall file a cost report covering the period from January 1, 1992, through June 30, 1992. This cost report will be used to establish a reimbursement rate to be paid to the facility and will be used to establish the base allowable cost per unit to be used in future reimbursement rate calculations. Subsequent cost reports shall be filed annually by each facility covering the 12 months from July 1 through June 30.

b. The reimbursement rate established based on the report covering January 1, 1992, through June 30, 1992, will be calculated using the method in place prior to July 1, 1992, including inflation and incentive factors.

c. The audited per unit cost from the January 1, 1992, through June 30, 1992, cost report will become the initial allowable base cost. A new maximum allowable base cost will be calculated each year as described in 82.4(14)*"d."*

d. Facilities that have an annual per unit cost percentage increase of less than the percentage increase of the Consumer Price Index will be given their actual percentage increase plus one-half the difference of their actual percentage increase compared to the allowable maximum percentage increase. This percentage difference multiplied by the actual per diem costs for the annual period just completed is the incentive factor.

(1) The incentive factor will be added to the new reimbursement base rate to be used as the per diem rate for the following annual period.

(2) Facilities whose annual per unit cost decreased from the prior year will receive their actual per unit cost plus one and one-half the percentage increase in the Consumer Price Index as an incentive for cost containment.

e. Administrative costs shall not exceed 18 percent of total facility costs. Administrative costs are comprised of those costs incurred in the general management and administrative functions of the facility. Administrative costs include but are not necessarily limited to the administrative portion of the following:

(1) Administrator wages.

(2) Business office wages.

(3) Advertising and marketing wages.

(4) Employer's taxes (administrative).

(5) Group/life and retirement benefits (administrative staff).
(6) Workers' compensation insurance (administrative staff).
(7) Employment advertising and recruitment (administrative staff).
(8) Criminal record checks (administrative staff).
(9) Education and training (administrative staff).
(10) Office supplies (administrative staff).
(11) Telephone.
(12) Equipment rental.
(13) Home office costs.
(14) Management fees.
(15) Accounting fees.
(16) Professional organization dues.
(17) Licensing fees.
(18) Information technology expenses.
(19) Legal fees—direct patient-care-related.
(20) Legal fees—other.
(21) Working capital interest.
(22) General liability insurance.
(23) Travel, entertainment and auto expenses.
(24) Advertising and public relations.
(25) Other.

f. Facility rates will be rebased using the cost report for the year covering state fiscal year 1996 and will subsequently be rebased each four years. The department will consider allowing special rate adjustments between rebasing cycles if:

(1) An increase in the minimum wage occurs.

(2) A change in federal regulations occurs that necessitates additional staff or expenditures for capital improvements, or a change in state or federal law occurs, or a court order with force of law mandates program changes that necessitate the addition of staff or other resources.

(3) A decision is made by a facility to serve a significantly different client population or to otherwise make a dramatic change in program structure (documentation and verification will be required).

(4) A facility increases or decreases licensed bed capacity by 20 percent or more.

g. Total patient days for purposes of the computation are inpatient days as determined in subrule 82.4(7) or 80 percent of the licensed capacity of the facility, whichever is greater. The reimbursement rate will be determined by dividing total reported patient expenses by total patient days during the reporting period. This cost per day will be limited by an inflation increase that will not exceed the percentage change in the Consumer Price Index.

h. State-owned ICFs/ID shall submit annual cost reports and will receive annual rate adjustments based on actual costs of operation inflated by the percentage change in the Consumer Price Index.

i. The projected reimbursement for the first annual period will be determined by multiplying the per diem rate calculated for the base period by the Consumer Price Index.

(1) The projected reimbursement for each period thereafter (until rebasing) will be calculated by multiplying the lower of the prior year's actual or the projected reimbursement per diem by the Consumer Price Index.

(2) If a facility experiences an increase in actual costs that exceeds both the actual reimbursement and the maximum allowable base cost as determined for that annual period, the facility will receive as reimbursement in the following period the maximum allowable base as calculated.

82.4(17) *Wage add-on factor.* A wage add-on factor of $8.86 per day for community-based ICFs/ID will be included in rates effective July 1, 2022, and after, not subject to the maximum allowable cost ceiling in paragraph 82.4(14)*"e,"* until rates are established using the cost reports for the period ending June 30, 2023.

a. In accordance with 2022 Iowa Acts, House File 2578, section 31, the entire wage add-on factor will be used for wages and associated costs specific to wages, benefits, and required withholding of direct support professionals and frontline management.

b. The wage add-on factor of $8.86 per day will be added to the maximum allowable base rate in subparagraph 82.4(14)*"d"*(1) until the next rebase using cost reports for the period ending June 30, 2024.

c. The wage add-on factor of $8.86 per day will be added to the maximum allowable cost ceiling, eightieth percentile of costs of all participating facilities in paragraph 82.4(14)*"e,"* until the eightieth percentile maximum is established using the December 31, 2023, compilation for rates effective beginning July 1, 2024.

This rule is intended to implement Iowa Code sections 249A.12 and 249A.16.

441—82.5(249A) Eligibility for services.

82.5(1) *Interdisciplinary team.* The initial evaluation for admission shall be conducted by an interdisciplinary team. The team shall consist of a physician, a social worker, and other professionals. At least one member of the team shall be a qualified intellectual disability professional.

82.5(2) *Evaluation.* The evaluation shall include a comprehensive medical, social, and psychological evaluation. The comprehensive evaluation shall include:

a. Diagnoses, summaries of present medical, social and where appropriate, developmental findings, medical and social family history, mental and physical functional capacity, prognoses, range of service needs, and amounts of care required.

b. An evaluation of the resources available in the home, family, and community.

c. An explicit recommendation with respect to admission or in the case of persons who make application while in the facility, continued care in the facility. Where it is determined that intermediate care facility for persons with an intellectual disability services are required by an individual whose needs might be met through the use of alternative services that are currently unavailable, this fact shall be entered in the record, and plans shall be initiated for the active exploration of alternatives.

d. An individual plan for care shall include diagnosis, symptoms, complaints or complications indicating the need for admission, a description of the functional level of the resident; written objective; orders as appropriate for medications, treatments, restorative and rehabilitative services, therapies, diet, activities, social services, and special procedures designed to meet the objectives; and plans for continuing care, including provisions for review and necessary modifications of the plan, and discharge.

e. Written reports of the evaluation and the written individual plan of care shall be delivered to the facility and entered in the individual's record at the time of admission or, in the case of individuals already in the facility, immediately upon completion.

82.5(3) *Certification statement.* Eligible individuals may be admitted to an intermediate care facility for persons with an intellectual disability upon the certification of a physician that there is a necessity for care at the facility. For clients enrolled with a managed care organization, authorization for admission must be obtained from the managed care organization prior to admission. Eligibility will continue as long as a valid need for the care exists.

This rule is intended to implement Iowa Code section 249A.12.

441—82.6(249A) Initial approval for ICF/ID care.

82.6(1) *Referral through targeted case management.* Persons seeking ICF/ID placement shall be referred through targeted case management. The case management program will:

a. Identify appropriate service alternatives;

b. Inform the person of the alternatives; and

c. Refer a person without appropriate alternatives to the department.

82.6(2) *Approval of placement by department.*

a. Within 30 days of receipt of a referral, the department will:

(1) Approve ICF/ID placement;

(2) Offer a home- or community-based alternative; or

(3) Refer the person back to the targeted case management program for further consideration of service needs.

b. Once ICF/ID placement is approved, including approval of ICF/ID level of care as described in subrule 82.6(3), the eligible person, or the person's representative, is free to seek placement in the facility of the person's or the person's representative's choice, subject to the provision of ICF/ID services through managed care pursuant to 441—Chapter 73.

82.6(3) *Approval of level of care.* Medicaid payment will be made for ICF/ID care upon certification of need for this level of care by a licensed physician of medicine or osteopathy and approval by the department.

82.6(4) *Appeal rights.* Notice of adverse action and right to appeal will be given in accordance with rule 441—16.3(17A) and 441—Chapter 7.

This rule is intended to implement Iowa Code section 249A.12.

441—82.7(249A) Determination of need for continued stay. For clients not enrolled with a managed care organization, certification of need for continued stay will be made according to procedures established by the department. For all clients enrolled with a managed care organization, the managed care organization shall review the Medicaid client's need for continued care in an ICF/ID at least annually. The managed care organization must submit documentation to the department for all reviews that indicate a change in the client's level of care. The department will make a final determination for any reviews that indicate a change in the level of care.

This rule is intended to implement Iowa Code section 249A.12.

441—82.8(249A) Arrangements with residents.

82.8(1) *Resident care agreement.* The ICF/ID Resident Care Agreement shall be used as a three-party contract among the facility, the resident, and the department to spell out the duties, rights, and obligation of all parties.

82.8(2) *Financial participation by resident.* A resident's payment for care may include any voluntary payments made by family members toward cost of care of the resident. The resident's client participation and medical payments from a third party shall be paid toward the total cost of care for the month before any Medicaid payment is made. Medicaid will pay the balance of the cost of care for the remainder of the month. The facility shall make arrangements directly with the resident for payment of client participation.

82.8(3) *Personal needs account.* When a facility manages the personal needs funds of a resident, it shall establish and maintain a system of accounting for expenditures from the resident's personal needs funds. The department will charge back to the facility any maintenance item included in the computation of the audit cost that is charged to the resident's personal needs account when the charge constitutes double payment. Unverifiable expenditures charged to personal needs accounts may be charged back to the facility. The accounting system is subject to audit by representatives of the department of inspections, appeals, and licensing and will meet the following criteria:

a. Upon admittance, a ledger sheet shall be credited with the resident's total incidental money on hand. Thereafter, the ledger shall be kept current on a monthly basis. The facility may combine the accounting with the disbursement section showing the date, amount given the resident, and the resident's signature. A separate ledger shall be maintained for each resident.

b. When something is purchased for the resident and is not a direct cash disbursement, each expenditure item in the ledger shall be supported by a signed, dated receipt. The receipt shall indicate the article furnished for the resident's benefit.

c. Personal funds shall only be turned over to the resident, the resident's guardian, or other persons selected by the resident. With the consent of the resident, when the resident is able and willing to give consent, the administrator may turn over personal funds to a close relative or friend of the resident to purchase a particular item. A signed, itemized, dated receipt shall be required to be deposited in the resident's files.

d. The receipts for each resident shall be kept until canceled by auditors.

e. The ledger and receipts for each resident shall be made available for periodic audits by an accredited department of inspections, appeals, and licensing representative. Audit certification will be made by the department's representative at the bottom of the ledger sheet. Supporting receipts may then be destroyed.

f. Upon a member's death, a receipt shall be obtained from the next of kin or the member's guardian before releasing the balance of the personal needs funds. When the member has been receiving a grant from the department for all or part of the personal needs, any funds shall revert to the department. The department will turn the funds over to the member's estate.

82.8(4) *Safeguarding personal property.* The facility shall safeguard the resident's personal possessions. Safeguarding shall include but is not limited to:

a. Providing a method of identification of the resident's suitcases, clothing, and other personal effects, and listing these on an appropriate form attached to the resident's record at the time of admission. These records shall be kept current. Any personal effects released to a relative of the resident shall be covered by a signed receipt.

b. Providing adequate storage facilities for the resident's personal effects.

c. Ensuring that the resident is accorded privacy and uncensored communication with others by mail and telephone and with persons of the resident's choice except when therapeutic or security reasons dictate otherwise. Any limitations or restrictions imposed shall be approved by the administrator and the reasons noted shall be made a part of the resident's record.

This rule is intended to implement Iowa Code section 249A.12.

441—82.9(249A) Discharge and transfer.

82.9(1) *Notice.* When a Medicaid member requests transfer or discharge to a community setting, or another person requests this for the member, the administrator shall promptly notify a targeted case management provider. Names of local providers are available from the department's local office. This shall be done in sufficient time to permit a case manager to assist in the decision and planning for the transfer or discharge.

82.9(2) *Case activity report.* A case activity report shall be submitted to the department whenever a Medicaid applicant or member enters the facility, changes level of care, or is discharged from the facility.

82.9(3) *Plan.* The administrator and staff shall assist the resident in planning for transfer or discharge through development of a discharge plan.

82.9(4) *Transfer records.* When a resident is transferred to another facility, transfer information shall be summarized from the facility's records in a copy to accompany the resident. This information shall include:

a. A transfer form of diagnosis.

b. Aid to daily living information.

c. Transfer orders.

d. Nursing care plan.

e. Physician's or qualified intellectual disability professional's orders for care.

f. The resident's personal records.

g. When applicable, the personal needs fund record.

82.9(5) *Income refund.* When a resident leaves the facility during the month, any unused portion of the resident's income shall be refunded.

This rule is intended to implement Iowa Code section 249A.12.

441—82.10(249A) Records.

82.10(1) *Content.* The facility shall at a minimum maintain the following records:

a. All records required by the department and the department of inspections, appeals, and licensing.

b. Medical records as required by Section 1902(a)(31) of Title XIX of the Social Security Act (as amended to August 1, 2024).

c. Records of all treatments, drugs and services for which vendors' payments have been made or are to be made under the medical assistance program, including the authority for and the date of administration of the treatment, drugs, or services.

d. Documentation in each resident's records, which will enable the department to verify that each charge is due and proper prior to payment.

e. Financial records maintained in the standard, specified form including the facility's most recent audited cost report.

f. All other records as may be found necessary by the department in determining compliance with any federal or state law or rule or regulation promulgated by the United States Department of Health and Human Services or by the department.

g. Census records to include the date, number of residents at the beginning of each day, names of residents admitted, and names of residents discharged.

(1) Census information shall be provided for residents in skilled, intermediate, and residential care.

(2) Census figures for each type of care shall be totaled monthly to indicate the number admitted, the number discharged, and the number of patient days.

(3) Failure to maintain acceptable census records shall result in the per diem rate being computed on the basis of 100 percent occupancy and a request for refunds covering indicated recipients of nursing care that have not been properly accounted for.

h. Resident accounts.

i. Inservice education program records.

j. Inspection reports pertaining to conformity with federal, state, and local laws.

k. Residents' personal records.

l. Residents' medical records.

m. Disaster preparedness reports.

82.10(2) *Retention.* Records shall be retained in the facility for a minimum of five years or until an audit is performed on those records, whichever is longer.

82.10(3) *Change of owner.* All records shall be retained within the facility upon change of ownership.

This rule is intended to implement Iowa Code section 249A.12.

441—82.11(249A) Payment procedures.

82.11(1) *Method of payment.* Facilities will be reimbursed under a cost-related vendor payment program. A per diem rate will be established based on information submitted according to rule 441—82.4(249A).

82.11(2) *Periods authorized for payment.*

a. Payment will be made on a per diem basis for the portion of the month the resident is in the facility.

b. Payment will be authorized as long as the resident is certified as needing care in an intermediate care facility for persons with an intellectual disability.

c. Payment will be approved for the day of admission but not the day of discharge or death.

d. Payment will be approved for periods the resident is absent to visit home for a maximum of 30 days annually. Additional days may be approved for special programs of evaluation, treatment or habilitation outside the facility. Documentation as to the appropriateness and therapeutic value of resident visits and outside programming, signed by a physician or qualified intellectual disability professional, shall be maintained at the facility.

e. Payment will be approved for a period not to exceed ten days in any calendar month when the resident is absent due to hospitalization. Medicaid payment to the facility may not be initiated while a resident is on reserve bed days unless the person was residing in the facility as a private pay resident prior to the hospitalization and returns to the facility as a resident.

f. Payment for periods when residents are absent for visitation or hospitalization from facilities with more than 15 beds will be made at 80 percent of the allowable audited costs for those beds.

Facilities with 15 or fewer beds will be reimbursed at 95 percent of the allowable audited costs for those beds.

82.11(3) *Supplementation.* Only the amount of client participation may be billed to the resident for the cost of care. No supplementation of the state payment shall be made by any person. However, the resident or the resident's family or friends may pay to hold the resident's bed in cases where a resident spends over 30 days on yearly visitation or spends over ten days on a hospital stay. When the resident is not discharged from the facility, the payments will not exceed 80 percent of the allowable audited costs for the facility, not to exceed the maximum reimbursement rate. When the resident is discharged, the facility may handle the holding of the reserved bed in the same manner as a private paying resident.

This rule is intended to implement Iowa Code section 249A.12.

441—82.12(249A) Billing procedures. Claims for service for clients not enrolled with a managed care organization must be sent to the department after the month of service and within 365 days of the date of service. Such claims must be submitted electronically through the department's electronic clearinghouse.

82.12(1) A remittance advice of the claims paid may be obtained through the Iowa Medicaid portal access (IMPA) system.

82.12(2) Adjustments to claims may be made electronically as provided for by the department.

This rule is intended to implement Iowa Code section 249A.12.

441—82.13(249A) Closing of facility. When a facility is planning on closing, the department and the department's contracted managed care organizations with which the facility is enrolled shall be notified at least 60 days in advance of the closing. Plans for the transfer of residents receiving Medicaid shall be approved by the resident's managed care organization or by the department for residents not enrolled with a managed care organization.

This rule is intended to implement Iowa Code section 249A.12.

441—82.14(249A) Audits.

82.14(1) *Audits of financial and statistical report.* Authorized representatives of the department or the U.S. Department of Health and Human Services shall have the right, upon proper identification, to audit, using generally accepted auditing procedures, the general financial records of a facility to determine if expenses reported on the financial and statistical report are reasonable and proper according to the rules set forth in 441—82.4(249A). These audits may be done either on the basis of an on-site visit to the facility, their central accounting office, or office(s) of their agents.

a. When a proper per diem rate cannot be determined through generally accepted auditing procedures, the auditor shall examine and adjust the report to arrive at what appears to be an acceptable rate and shall recommend to the department that the indicated per diem should be reduced to 75 percent of the established payment rate for the ensuing fiscal period and if the situation is not remedied on the subsequent financial and statistical report, the facility shall be suspended and eventually canceled from the intermediate care facility program, or

b. When a facility continues to include as an item of cost an item or items that had in a prior audit been removed by an adjustment in the total audited costs, the auditor shall recommend to the department that the per diem be reduced to 75 percent of the current payment rate for the ensuing fiscal period. The department may, after considering the seriousness of the exception, make the reduction.

82.14(2) *Auditing of proper billing and handling of patient funds.*

a. The department, the department's contracted managed care organizations, field auditors of the department of inspections, appeals and licensing and representatives of the U.S. Department of Health and Human Services, upon proper identification, have the right to audit billings to the department and receipts of client participation, to ensure that the facility is not receiving payment in excess of the contractual agreement and that all other aspects of the contractual agreement are being followed, as deemed necessary.

b. The department, the department's contracted managed care organizations, field auditors of the department of inspections, appeals, and licensing and representatives of the U.S. Department of Health

and Human Services, upon proper identification, have the right to audit records of the facility to determine proper handling of patient funds in compliance with subrule 82.8(3).

c. The auditor shall recommend and the department shall request repayment by the facility to either the department or the resident(s) involved, such sums inappropriately billed to the department or collected from the resident.

d. The facility shall have 60 days to review the audit and repay the requested funds or present supporting documentation that would indicate that the requested refund amount, or part thereof, is not justified.

e. When the facility fails to comply with paragraph 82.14(2)*"d,"* the requested refunds may be withheld from future payments to the facility. The withholding will not be more than 25 percent of the average of the last six monthly payments to the facility. The withholding will continue until the entire requested refund amount is recovered. If in the event the audit results indicate significant problems, the audit results may be referred to the attorney general's office for whatever action may be deemed appropriate.

f. When exceptions are taken during the scope of an audit that are similar in nature to the exceptions taken in a prior audit, the auditor shall recommend and the department may, after considering the seriousness of the exceptions, reduce payment to the facility to 75 percent of the current payment rate.

This rule is intended to implement Iowa Code section 249A.12.

441—82.15(249A) Out-of-state facilities. Payment will be made for care in out-of-state intermediate care facilities for persons with an intellectual disability. Out-of-state facilities shall abide by the same policies as in-state facilities with the following exceptions:

82.15(1) Out-of-state providers will be reimbursed at the same intermediate care facility rate they are receiving for their state of residence.

82.15(2) Out-of-state facilities shall not submit financial and statistical reports as required in rule 441—81.56(249A).

82.15(3) Payment for periods when residents are absent for visitation or hospitalization will be made to out-of-state facilities at 80 percent of the rate paid to the facility by the Iowa Medicaid program. Out-of-state facilities with 15 or fewer beds will be reimbursed at 95 percent of the rate paid to the facility by the Iowa Medicaid program.

This rule is intended to implement Iowa Code section 249A.12.

441—82.16(249A) State-funded personal needs supplement. A Medicaid member living in an intermediate care facility for persons with an intellectual disability who has countable income for purposes of rule 441—75.16(249A) of less than $50 per month will receive a state-funded payment from the department for the difference between that countable income and $50 if the legislature has appropriated funding specifically for this purpose. This payment shall not be considered a benefit under Title XIX of the Social Security Act (as amended to August 1, 2024).

This rule is intended to implement Iowa Code section 249A.30A.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9067C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to early and periodic screening, diagnosis, and treatment

The Department of Health and Human Services hereby rescinds Chapter 84, "Early and Periodic Screening, Diagnosis, and Treatment," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 249A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 249A.32B and 42 CFR 441.56.

Purpose and Summary

This rulemaking is in response to Executive Order 10. Under the Red Tape Review, the Department eliminated restrictive terms and made other minor, nonsubstantive changes. This chapter defines and structures the early and periodic screening, diagnosis, and treatment services provided under the Medicaid program to eligible children under the age of 21. As further described in these rules, services include physical and mental health screenings (including hearing and vision), laboratory tests, immunizations, and health education. Services are provided in compliance with federal regulations at Title 42, Part 441, Subpart B, as amended to August 1, 2024.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8710C**. A public hearing was held on the following date(s):

- January 28, 2025
- January 29, 2025

No one attended the public hearings. One public comment was received. As a result, one change from the Notice has been made to add laboratories to the list of qualified providers in rule 441—84.3(249A).

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 84 and adopt the following **new** chapter in lieu thereof:

CHAPTER 84
EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT

441—84.1(249A) Definitions.

"Diagnosis" is the determination of the nature of physical or mental disease or abnormality.

"Interperiodic screen" means a screen that occurs between the times stated in the periodicity schedule in 441—subrule 78.18(3).

"Screening" is the use of quick, simple procedures to sort out apparently well persons from those who may have a disease or abnormality and to identify those in need of more definitive study. These services will be provided in accordance with reasonable standards of medical and dental practice.

441—84.2(249A) Eligibility. All persons eligible for medical assistance under age 21 are eligible for early and periodic screening, diagnosis, and treatment.

441—84.3(249A) Screening services. Screening services shall be provided in accordance with 42 CFR §441.56 as amended to August 1, 2024, and may be done by a screening center or other qualified providers. Other qualified providers are physicians, advanced registered nurse practitioners, rural health centers, federally qualified health centers, laboratories, clinics, and dentists.

441—84.4(249A) Referral.

84.4(1) The availability of early and periodic screening will be discussed with the payee for any Medicaid-eligible child under the age of 21 at the time of application and periodically thereafter in compliance with federal regulations at Title 42, Part 441, Subpart B, as amended to March 29, 2022.

84.4(2) Screening will be offered to each eligible individual according to the periodicity schedule in 441—subrule 78.18(3) when screening has been accepted, or on at least an annual basis when screening has been rejected. Interperiodic screens may be furnished when medically necessary to determine whether a child has a physical or mental illness or condition that may require further assessment, diagnosis, or treatment.

441—84.5(249A) Follow up. Follow-up services will be provided when a referral for screening was accepted, but 60 days have elapsed and no screening examination has been performed, and when a screening examination discloses a possible abnormal condition and a referral was made for further diagnosis or treatment and such diagnosis or treatment has not been received within a period of 60 days from the date of the screening examination.

These rules are intended to implement Iowa Code section 249A.4.

[Filed 3/14/25, effective 6/1/25]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9068C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to continuing education for funeral directors

The Board of Mortuary Science hereby amends Chapter 902, "Continuing Education for Funeral Directors," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 156 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 156 and 272C.

Purpose and Summary

This rulemaking implements Iowa Code chapter 156 and Iowa Code section 272C.2 as amended by 2024 Iowa Acts, House File 2686. The subrule sets continuing education and training requirements for funeral directors and others employed by a funeral home. The intended benefit of this subrule is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans. The Board reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. The subrule is being amended to comply with the statutory changes from 2024 Iowa Acts, House File 2686, allowing a licensee to carry over up to 50 percent of excess completed continuing education hours from the previous renewal cycle. This rulemaking allows funeral directors the ability to carry over up to 12 hours of continuing education earned in excess of the 24 hours required every two years.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8775C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on March 6, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 21, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind subrule 902.2(4) and adopt the following **new** subrule in lieu thereof:

902.2(4) Up to 50 percent of continuing education (a maximum of 12 hours) can be carried over into the next biennium if there was an amount of continuing education completed during the prior period that exceeded the minimum requirement. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

[Filed 3/13/25, effective 5/21/25]
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ARC 9070C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to blood lead testing

The Department of Health and Human Services hereby rescinds Chapter 67, "Blood Lead Testing," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 135.102.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.105D and 2008 Iowa Acts, Senate File 2111.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. These rules are intended to help ensure that all Iowa children receive at least one blood lead screening prior to age six.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8720C**. A public hearing was held on the following date(s):

- January 28, 2025
- January 29, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67
BLOOD LEAD TESTING

641—67.1(135) Definitions. For purposes of this chapter, the following definitions apply:

"Applicant" means any person seeking first-time enrollment in kindergarten in a public or accredited nonpublic elementary school in Iowa.

"Transfer student" means an applicant from any school outside Iowa who is seeking enrollment in kindergarten in a school in Iowa.

641—67.2(135) Persons included. The blood lead testing requirement specified in this chapter applies to all applicants and transfer students as defined in this chapter.

641—67.3(135) Persons excluded. Exclusions to these rules are permitted on an individual basis for religious reasons and for children determined by the department to be at very low risk for elevated blood lead levels. The parent or guardian of an applicant or transfer student approved for a religious exemption or an exemption for very low risk shall submit to the board of directors of each school district and the authorities in charge of each nonpublic school a valid department certificate of blood lead testing exemption.

641—67.4(135) Records. Within the constraints of the privacy rights of the parents or guardians and students, the local board of health, the department of education, and the department or its designee have the right to access the department's determination that a child has received a blood lead test and the certificates of blood lead testing exemption of children enrolled in kindergarten.

These rules are intended to implement Iowa Code chapter 135.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9071C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to control of lead-based paint hazards

The Department of Health and Human Services hereby rescinds Chapter 68, "Control of Lead-Based Paint Hazards," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 135.102.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.102.

Purpose and Summary

This rulemaking is in response to Executive Order 10. The provisions of this chapter are applicable in jurisdictions in which a local board of public health has adopted this chapter for the purpose of requiring control of lead-based paint hazards where a child has been identified with an elevated blood lead level. Nothing in this chapter shall be construed as requiring a local board to adopt this chapter as a model regulation.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8719C**. A public hearing was held on the following date(s):

- January 28, 2025
- January 29, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 68 and adopt the following **new** chapter in lieu thereof:

CHAPTER 68
CONTROL OF LEAD-BASED PAINT HAZARDS

641—68.1(135) Definitions.

"Certified elevated blood lead (EBL) inspector/risk assessor" or *"inspector"* means a person who has met the requirements of rule 641—70.5(135) for certification or interim certification and who has been certified by the department.

"Chewable surface" means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew.

"Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited by the same child under the age of six years on at least two different days within any week (Sunday through Saturday period, provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours).

"Clearance testing" means an activity conducted following interim controls, lead abatement, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation to determine that the hazard reduction activities are complete. Clearance testing includes a visual assessment, the collection and analysis of environmental samples, the interpretation of sampling results, and the preparation of a report.

"Deteriorated paint" means any interior or exterior paint or other coating that is cracking, flaking, chipping, peeling, or chalking, or any paint or coating located on an interior or exterior surface that is otherwise damaged or separated from the substrate of a building component.

"Dripline" means the area within three feet surrounding the perimeter of a building.

"Dust-lead hazard" means surface dust in residential dwellings or child-occupied facilities that contains a mass-per-area concentration of lead greater than or equal to 40 micrograms per square foot on floors, 250 micrograms per square foot on interior windowsills, and 400 micrograms per square foot on window troughs based on wipe samples. A dust-lead hazard is present in a residential dwelling or child-occupied facility when the weighted arithmetic mean lead loading for all single-surface or composite samples of floors and interior windowsills is greater than or equal to 40 micrograms per square foot on floors, 250 micrograms per square foot on interior windowsills, and 400 micrograms per square foot on widow troughs based on wipe samples. A dust-lead hazard is present on floors, interior windowsills, or window troughs in an unsampled residential dwelling in a multifamily dwelling if a dust-lead hazard is present on floors, interior windowsills, or window troughs, respectively, in at least one sampled residential unit on the property. A dust-lead hazard is present on floors, interior windowsills, or window troughs in an unsampled common area in a multifamily dwelling if a dust-lead hazard is present on floors, interior windowsills, or window troughs, respectively, in at least one sampled common area in the same common area group on the property. If dust samples are not taken, it may be assumed that surfaces in rooms with hazardous lead-based paint or where renovation, remodeling, or repainting has occurred recently are dust-lead hazards.

"Elevated blood lead" or *"EBL"* means one venous blood level greater than or equal to 20 micrograms per deciliter or at least two venous blood levels of 15 to 19 micrograms per deciliter.

"Elevated blood lead child" or *"EBL child"* means any child who has had one venous blood lead level greater than or equal to 20 micrograms per deciliter or at least two venous blood lead levels of 15 to 19 micrograms per deciliter.

"Elevated blood lead inspection" or *"EBL inspection"* means an inspection to determine the sources of lead exposure for an EBL child and the provision within ten working days of a written report explaining the results of the investigation to the property owner and occupant of the residential dwelling or child-occupied facility being inspected and to the parents of the EBL child. An inspector shall not determine that a residential dwelling is free of lead-based paint as a result of an EBL inspection.

"Friction surface" means an interior or exterior surface that is subject to abrasion or friction, including but not limited to certain window, floor, and stair surfaces.

"Hazardous lead-based paint" means lead-based paint that is present on a friction surface where there is evidence of abrasion or where the dust-lead level on the nearest horizontal surface underneath the friction surface (e.g., the windowsill or floor) is equal to or greater than the dust-lead hazard level, lead-based paint that is present on an impact surface that is damaged or otherwise deteriorated from impact, lead-based paint that is present on a chewable surface, or any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of a residential building or child-occupied facility.

"Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of doorframes.

"Lead-based paint" means any paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram of lead per square centimeter or more than 0.5 percent by weight. Lead-based paint is present on any surface that is tested and found to contain lead equal to or in excess of 1.0 milligram per square centimeter or more than 0.5 percent by weight and on any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

"Lead-based paint hazard" means hazardous lead-based paint, a dust-lead hazard, or a soil-lead hazard.

"Local board" means the local board of health as authorized by Iowa Code chapter 137.

"Mid-yard" means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.

"Occupant" means any person living, sleeping, cooking or eating in, or having any actual possession of a dwelling or dwelling unit.

"Owner" means any person who, alone or jointly with others, (1) has legal title to any dwelling, with or without accompanying actual possession thereof, or (2) has charge, care, or control of any dwelling by acting as the agent of the owner or as the executor, administrator, trustee, or guardian of the estate of the owner.

"Paint-lead hazard" means the presence of hazardous lead-based paint in a residential dwelling or a child-occupied facility.

"Play area" means an area of frequent soil contact by children of less than six years of age as indicated by but not limited to factors including the following: the presence of play equipment, toys, or other children's possessions; observations of play patterns; or information provided by parents, residents, caregivers, or property owners.

"Residential building" means a building containing one or more residential dwellings.

"Residential dwelling" means (1) a detached single-family dwelling unit, including the surrounding yard, attached structures such as porches and stoops, and detached buildings and structures, including but not limited to garages, farm buildings, and fences; or (2) a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, that is used or occupied, or intended to be used or occupied, in whole or part, as the home or residence of one or more persons.

"Retaliation" means harassment, termination of the tenancy, discontinuation of utilities or other services, and any other action taken against the lessee.

"Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead greater than or equal to 400 parts per million for the dripline, mid-yard, and play areas. A soil-lead hazard is present in a dripline, mid-yard, or play area when the soil-lead concentration from a composite sample of bare soil is greater than or equal to 400 parts per million. If soil samples are not taken, it may be assumed that bare soil within 3 feet of the foundation of a garage or other structure built prior to 1978 is a soil-lead hazard.

641—68.2(135) EBL inspections required. The local board will appoint a certified inspector to conduct EBL inspections in residential dwellings and child-occupied facilities where an EBL child lives, visits, or has recently lived. All owners and occupants shall allow access to the residential dwellings and child-occupied facilities that the certified inspector desires to inspect.

641—68.3(135) Refusal of admittance. If the inspector appointed by the local board is refused entry to a property, then the inspector may make a complaint under oath to any magistrate of the county. The magistrate may issue a warrant directing the owner or occupant to allow the inspector to conduct an EBL inspection and directing a peace officer to accompany the inspector during the EBL inspection/risk assessment.

641—68.4(135) Lead hazard reduction required.

68.4(1) When the certified inspector appointed by the local board determines that hazardous lead-based paint, a dust-lead hazard, or a soil-lead hazard is present in a residential dwelling unit or child-occupied facility where an EBL child lives, frequently visits, or has recently resided, the inspector shall issue a written notice to the owner within two weeks of the inspection and receipt of any laboratory results. The written notice shall require the owner to complete lead hazard reduction in a time period determined by the inspector. If the occupant who occupies the residential dwelling at the time that this written notice is issued vacates the residential dwelling, the residential dwelling shall not be leased or occupied by any other person until the inspector issues a written notice that the lead hazard reduction has been completed.

68.4(2) The owner of any residential dwelling or child-occupied facility that has been determined to contain hazardous lead-based paint, a soil-lead hazard, or a dust-lead hazard shall correct these hazards within the time period allowed by the inspector in the written notice. The following methods shall be used for lead hazard reduction. These methods do not require the services of a lead abatement contractor certified in accordance with rule 641—70.5(135). However, other local, state, or federal regulations may require the use of a contractor who has completed an eight-hour lead-safe work practices course or a lead abatement contractor or lead abatement worker certified in accordance with rule 641—70.5(135).

a. On a surface that contains hazardous lead-based paint but is not chewable and does not have evidence of impact or friction, the lead-based paint hazard shall be reduced by removing all loose and deteriorated paint from the surface, preparing the surface for repainting, and repainting the surface with a lead-free coating.

b. On a surface that contains hazardous lead-based paint and is chewable or has evidence of impact or friction, the lead-based paint hazard shall be reduced by treating the surface 1 inch back from the edge or corner through one of the following methods:

(1) All lead-based paint on the treatment area shall be removed to the bare substrate. The surface shall be prepared for repainting and repainted with a lead-free coating.

(2) The treatment area shall be covered with a permanently affixed lead-free material such as plastic, wood, or vinyl. Carpet may be used on floors and stair treads.

c. Dust-lead hazards shall be reduced by thoroughly cleaning the affected surface.

d. Soil-lead hazards shall be reduced by planting grass or groundcover, applying sod, or covering the affected area with 6 inches of bark, gravel, or other material.

e. Lead hazard reduction shall be conducted using lead-safe work practices to protect the safety of the occupants and workers. Occupants shall not enter the work area while work is underway. The following are prohibited methods of lead hazard reduction:

(1) Open-flame burning or torching of lead-based paint.

(2) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint unless used with high-efficiency particulate air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

(3) Uncontained water blasting of lead-based paint.

(4) Dry scraping or dry sanding of lead-based paint except in conjunction with the use of a heat gun or around electrical outlets.

(5) Operating a heat gun at a temperature above 1,100 degrees Fahrenheit.

68.4(3) The inspector shall inspect all areas identified as hazards after lead hazard reduction is complete. The inspector may conduct clearance testing pursuant to 641—Chapter 70 to ensure that no dust-lead hazards exist after the work is complete. Within two weeks of verifying that all lead hazard reduction has been completed as required, the inspector shall issue a written notice to the owner and occupant stating that the lead hazard reduction has been completed and that the repaired surfaces must be maintained in good condition.

641—68.5(135) Retaliation prohibited.

68.5(1) The lessor of a dwelling, the employees of the lessor, and agents or persons acting on behalf of the lessor shall not retaliate against lessees of residential dwellings and child-occupied facilities whose occupants or visitors have been tested for lead poisoning and shall not discourage the occupants or visitors from being tested for lead poisoning.

68.5(2) An action taken against the lessee is not considered retaliation if it is supported by reasonable cause unrelated to the testing of an occupant for lead poisoning or if it is shown to have occurred as a result of an accident or mistake and not to be the intentional act of the lessor of a dwelling, the employees of the lessor, or agents or persons acting on behalf of the lessor.

641—68.6(135) Enforcement. The inspector appointed by the local board will have the duty and responsibility of enforcing this chapter.

68.6(1) Penalties are as provided in Iowa Code section 137.117.

68.6(2) Upon failure of any person to correct a hazard identified through this chapter in the time specified by the inspector appointed by the local board, the local board may direct or cause the correction of said hazards. All expenses incurred thereby may be recovered by suit in the name of the local board, or the local board may certify the amount of the expenses, together with a description of the property, to the county treasurer, who will enter the same into the tax roll as costs for removing a lead hazard, and the amounts will be collected as other taxes.

641—68.7(135) Hearings. In the event any person is aggrieved by any order of the inspector, the person may appeal to the local board in writing within ten days of the date of such order. The appeal shall state the reasons for requesting the order to be rescinded or modified. The local board will review the action of the inspector. The local board will order compliance with the order or may, with cause, modify or withdraw the order. Any order of the local board may be appealed within ten days to the district court for the county in which the local board is located.

641—68.8(135) Variances. The inspector may determine that a chewable surface that would otherwise be identified as a hazard by this chapter is not causing or does not have reasonable potential to cause lead exposure and is not required to be corrected through lead hazard reduction. The inspector shall document the reason for this determination in the inspection report. However, the inspector shall not, under any circumstances, determine that any other surface meeting the definition of hazardous lead-based paint does not need to be corrected through lead hazard reduction.

641—68.9(135) Injunction. Nothing in this chapter prevents a local board from pursuing injunctive relief or other relief as allowed by law.

641—68.10(135) Effective date. This chapter will be in effect in a jurisdiction after a local board adopts it.

These rules are intended to implement Iowa Code section 135.102.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9073C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to emergency information system on pesticides

The Department of Health and Human Services hereby rescinds Chapter 71, "Emergency Information System on Pesticides for Use by Health Care Providers During Medical Emergencies," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 139A.21.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 139A.21.

Purpose and Summary

Chapter 71 was reviewed and is being rescinded as part of the Red Tape Review process established by Executive Order 10. These rules were intended to establish an emergency information system for pesticides that Iowa health care providers are able to access 24/7 in order to gain access to emergency treatment information for the emergency care of a real-time human exposure to a pesticide. This program is no longer active.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8498C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 71**.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9074C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to the childhood lead poisoning prevention program

The Department of Health and Human Services hereby rescinds Chapter 72, "Childhood Lead Poisoning Prevention Program," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 135.102.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 135.100 through 135.105 and 135.105B.

Purpose and Summary

This chapter was reviewed and is being rescinded and adopted anew as part of the Red Tape Review process laid out by Executive Order 10. The purpose of this chapter is to implement the grant program pursuant to Iowa Code section 135.103 and to set forth the standards and program requirements of the grant program pursuant to Iowa Code section 135.103.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8518C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 17, 2025

No one attended the public hearings. One public comment was received from the Cerro Gordo County public health department expressing support for the program. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 72 and adopt the following **new** chapter in lieu thereof:

CHAPTER 72
CHILDHOOD LEAD POISONING
PREVENTION PROGRAM

641—72.1(135) Definitions.

"Approved program" means a program that meets the requirements of Iowa Code section 135.104 and has been approved by the department.

"Local board" means a county, district, or city board of health.

641—72.2(135) Approved programs.

72.2(1) A local board of health representing a geographic area with a population of at least 15,000 is eligible to apply for status as an approved program pursuant to Iowa Code section 135.104, which sets forth the eligibility requirements contained in the application.

72.2(2) A local board wishing to apply for status as an approved program shall make application to the department in the format available from the department. All materials submitted as part of the application for status as an approved program are public records.

These rules are intended to implement Iowa Code sections 135.100 through 135.105.

[Filed 3/14/25, effective 6/1/25]
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ARC 9075C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to white flashing light authorization

The Department of Health and Human Services hereby rescinds Chapter 133, "White Flashing Light Authorization," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 321.423.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321.423.

Purpose and Summary

This rulemaking is a result of Executive Order 10. This chapter establishes issuance standards for white flashing light use, including allowing local emergency medical service providers to issue certificates of authorization and to establish certificate of authorization revocation procedures.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8462C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings. No public comments were received.

Two changes from the Notice have been made. First, the appeals language has been standardized to reflect current practice. Second, the phrase "flashing white lights" has been changed to "white flashing lights" to align with the chapter title.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 133 and adopt the following **new** chapter in lieu thereof:

CHAPTER 133
WHITE FLASHING LIGHT AUTHORIZATION

641—133.1(321) Definitions. For the purpose of these rules, the following definitions shall apply:

"Ambulance" means the same as defined in rule 641—132.1(147A).

"Authorization certificate" means a permit issued to an emergency medical care provider that authorizes the use of a white flashing light.

"Authorized vehicles" means any vehicles owned by members of the service program that are authorized by the department to use white flashing lights.

"Emergency medical care provider" means the same as defined in Iowa Code section 147A.1.

"First response vehicle" means the same as defined in rule 641—132.1(147A).

"Medical director" means the same as defined in rule 641—132.1(147A).

"Member" means any individual utilized by an ambulance or nontransport service to provide emergency medical care.

"Nontransport service" means the same as defined in rule 641—132.1(147A).

"Rescue vehicle" means the same as defined in Iowa Code section 321.1.

"Service director" means the same as defined in rule 641—132.1(147A).

"Service program" or *"service"* means the same as defined in Iowa Code section 147A.1.

"White light" means a white or clear rotating, flashing, or strobe lighting device utilized for identification purposes only. Any such lighting device shall not display a constant white or clear light to the rear of the vehicle.

641—133.2(321) Purpose.

133.2(1) White flashing lights may be used on emergency vehicles or other authorized vehicles utilized by emergency medical care providers and service programs for identification purposes only.

133.2(2) White flashing lights shall be used only on an authorized vehicle and shall not be used except in any of the following circumstances:

a. When responding to an emergency in the line of duty requiring the services of the member.

b. When at the scene of an emergency.

c. When transporting a patient during a disaster situation.

133.2(3) Owners and operators of authorized vehicles are responsible for ensuring that the lighting devices are utilized in a safe manner. This includes but is not limited to ensuring that lighting devices do not:

a. Obstruct the view of the vehicle operator.

b. Overburden the electrical system of the vehicle.

c. Interfere with the vision of the vehicle operator, passengers, or drivers of other vehicles.

133.2(4) Operators of authorized vehicles shall ensure that the authorization certificate is carried in the vehicle.

641—133.3(321) Application.

133.3(1) Authorization certificates will be issued by the service director for service vehicles and vehicles owned by emergency medical care providers who are members in good standing with the service. Authorization certificates are available from the department upon request. Vehicle authorization is limited to:

a. Vehicles owned or exclusively operated by the ambulance or nontransport service.

b. Vehicles owned or operated by emergency medical care provider members of the ambulance or nontransport service.

c. Vehicles owned or operated by the service program's medical director.

d. One authorization certificate per vehicle.

133.3(2) Nothing in these rules prevents the use of white flashing lights on vehicles that are authorized to use red or blue flashing lights.

133.3(3) The service director shall provide, upon request of the department or its agents, issued authorization certificates.

133.3(4) The authorization expires five years from the date issued unless sooner suspended or revoked.

133.3(5) The department may issue authorization certificates for vehicles used by employees of the department when responding to emergencies or disasters.

641—133.4(321) Approval, denial, probation, suspension and revocation of authorization.

133.4(1) The service director or the department may approve or deny an application and the department may place on probation, suspend or revoke an authorization certificate if the service director or the department finds reason to believe that the applicant or certificate holder:

a. Has failed to meet all applicable requirements of these rules.

b. Has been convicted of a moving violation while using white flashing lights.

c. Has utilized a white flashing light without obtaining an authorization certificate.

d. Does not have a valid driver's license.

e. Does not have a current vehicle registration.

133.4(2) The authorization certificate shall be surrendered upon the request of the department or its agents.

133.4(3) An emergency medical care provider or service director who has knowledge of any emergency medical care provider or service program that has violated Iowa Code chapter 147A, 641—Chapter 132 or these rules shall, within 30 days, report that information to the department.

133.4(4) A denial, probation, suspension or revocation ordered by the department shall be effected in accordance with 441—Chapter 16 and may be appealed according to the provisions set forth in 441—Chapter 7.

These rules are intended to implement Iowa Code section 321.423.

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ARC 9076C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to trauma triage and transfer protocols

The Department of Health and Human Services hereby rescinds Chapter 135, "Trauma Triage and Transfer Protocols," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 147A.27.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 147A.23.

Purpose and Summary

This chapter was reviewed and is being rescinded and adopted anew as part of the Red Tape Review process laid out by Executive Order 10. The purpose of the chapter is to provide written directives that support decision making by emergency medical services (EMS) clinicians in transport destination determinations for injured patients, which will improve survival after injury. The chapter will help ensure that seriously injured patients are transported to the most clinically appropriate higher-level trauma centers, and patients with minor to moderate injuries can be cared for in lower-level trauma centers.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8526C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings. No public comments were received.

One change from the Notice has been made in that appeals language has been standardized to reflect current practice.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 135 and adopt the following **new** chapter in lieu thereof:

CHAPTER 135
TRAUMA TRIAGE AND TRANSFER PROTOCOLS

641—135.1(147A) Definitions. For the purposes of these rules, the following definitions apply:

"Out-of-Hospital Trauma Triage Destination Decision Protocols" means written directives to assist in trauma and triage decision-making, established and approved by the department, to be followed by the service program.

"Service program" or *"service"* means the same as defined in Iowa Code section 147A.1.

"Transfer" means the process of a patient being transferred from the scene of an injury to a trauma care facility or from one trauma care facility to another.

"Trauma care facility" means the same as defined in Iowa Code section 147A.21.

"Trauma triage and transfer" means to determine the trauma care facility destination.

641—135.2(147A) Trauma triage and transfer protocols. Trauma triage and transfer protocols approved by the department assist personnel from each service program and trauma care facility. These protocols do not preclude service programs or trauma care facilities from making emergency revisions of the approved triage and transfer protocols when an incident overburdens medical care resources, causing an unnecessary delay in patient care.

135.2(1) Adoption by reference. The 2021 National Guideline for the Field Triage of Injured Patients, as amended to August 1, 2024, is incorporated by reference and adopted as the Out-of-Hospital Trauma Triage Destination Decision Protocol for the state of Iowa.

135.2(2) Revisions and modifications to the protocols adopted by reference in subrule 135.2(1) may be made upon recommendation to and approval of the department.

641—135.3(147A) Offenses and penalties. The department may deny verification as a trauma care facility or deny authorization as a service program or may give a citation and warning, place on probation, suspend, or revoke existing trauma care facility verification or service program authorization if the department finds reason to believe that the facility or service program has not been or will not be operated in compliance with Iowa Code section 147A.27 and these administrative rules. The denial, citation and warning, period of probation, suspension, or revocation shall be effected in accordance with 441—Chapter 16 and may be appealed in accordance with the requirements of 441—Chapter 7.

These rules are intended to implement Iowa Code section 147A.23.

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ARC 9077C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to trauma registry

The Department of Health and Human Services hereby rescinds Chapter 136, "Trauma Registry," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 147A.27.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 147A.26.

Purpose and Summary

This chapter was reviewed and is being rescinded and adopted anew as a part of the Red Tape Review process laid out by Executive Order 10. High-quality data from the trauma registry are critical to inform quality improvement and measure the performance of the statewide trauma system. Chapter 136 provides guidance to hospitals on high-quality data reporting of injured patients, which allows enhanced epidemiologic analysis to improve outcomes of injured patients in Iowa. This allows for focused quality improvement activities and maximizes the value of trauma benchmarking with the goal of reduced morbidity and mortality from injuries.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8523C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings. No public comments were received.

Slight changes from the Notice have been made. A statement about adopting by reference was included in error. The Department removed that language. In addition, the Department changed the word "operated" to "approved" to better describe the functionality of the trauma registry.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 136 and adopt the following **new** chapter in lieu thereof:

CHAPTER 136
TRAUMA REGISTRY

641—136.1(147A) Definitions. For the purposes of these rules, the following definitions apply:

"Health care providers" for the purpose of this chapter includes licensed physicians, advanced registered nurse practitioners, physician assistants, and registered nurses.

"Inclusion criteria" means criteria determined by the department and adopted by reference to determine which trauma patients are to be included in the trauma registry.

"Reportable patient data" means data and definitions determined by the department to be reported to the trauma registry on trauma patients meeting the inclusion criteria.

"Trauma care facility" means the same as defined in Iowa Code section 147A.21.

"Trauma patient" means a victim of an external cause of injury that results in major or minor tissue damage or destruction caused by intentional or unintentional exposure to thermal, mechanical, electrical or chemical energy, or by the absence of heat or oxygen.

"Trauma registry" means the data repository approved by the department to collect and analyze reportable patient data on the incidence, severity, and causes of trauma, and that serves as the central registry for brain and spinal cord injuries described in rule 641—21.1(135) and farm-related injuries.

"Trauma survey team" means a group of health care providers contracted by the department to assist in verifying trauma care facilities' compliance with trauma criteria adopted by reference in 641—subrule 134.2(3).

641—136.2(147A) Trauma registry.

136.2(1) Trauma care facilities shall submit reportable patient data electronically to the department. Data shall be submitted in the trauma registry format approved by the department. The department may require those requesting the data to pay any or all of the reasonable costs associated with furnishing the reportable patient data.

136.2(2) Quality assurance of reported data.

a. For the purpose of ensuring the completeness and quality of reportable patient data, the department or its designated trauma survey team may examine medical records to validate the accuracy of data submitted by a trauma care facility.

b. Review of medical records by the department or its designated trauma survey team may be scheduled in advance with the trauma care facility.

641—136.3(147A) Offenses and penalties. All complaints, offenses and penalties will be addressed pursuant to rule 641—134.3(147A).

These rules are intended to implement Iowa Code section 147A.26.

[Filed 3/14/25, effective 6/1/25]
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ARC 9078C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to trauma education and training

The Department of Health and Human Services hereby rescinds Chapter 137, "Trauma Education and Training," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 147A.27.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 147A.23.

Purpose and Summary

This chapter was reviewed and is being rescinded and adopted anew as part of the Red Tape Review process laid out by Executive Order 10. Licensed health care providers (e.g., registered nurses, licensed practical nurses, physicians, advanced registered nurse practitioners, and physician assistants) must be prepared with knowledge and skills to provide optimal care to injured patients. Chapter 137 provides guidance to hospitals regarding the minimum educational requirements for health care providers to deliver high-quality trauma care, which will support the well-coordinated statewide trauma system to reduce the incidence of inadequate trauma care and preventable deaths, minimize human suffering, and decrease the costs associated with preventable mortality and morbidity.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8515C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 137 and adopt the following **new** chapter in lieu thereof:

CHAPTER 137
TRAUMA EDUCATION AND TRAINING

641—137.1(147A) Definitions. For the purposes of these rules, the following definitions apply:

"Advanced registered nurse practitioner" or *"ARNP"* means a nurse as defined in rule 655—7.1(152).

"Formal education" means education in standardized educational settings with a curriculum.

"Licensed practical nurse" or *"LPN"* means an individual licensed pursuant to Iowa Code chapter 152.

"Physician" means an individual licensed under Iowa Code chapter 148.

"Physician assistant" or *"PA"* means an individual licensed pursuant to Iowa Code chapter 148C.

"Practitioner" means a person who practices medicine or one of the associated health care professions.

"Registered nurse" or *"RN"* means an individual licensed pursuant to Iowa Code chapter 152.

"Trauma" means the same as defined in Iowa Code chapter 147A.

"Trauma care facility" means the same as defined in Iowa Code chapter 147A.

"Trauma patient" means a victim of an external cause of injury that results in major or minor tissue damage or destruction caused by intentional or unintentional exposure to thermal, mechanical, electrical or chemical energy, or by the absence of heat or oxygen.

"Verification" means the same as defined in Iowa Code chapter 147A.

641—137.2(147A) Initial trauma education requirements.

137.2(1) Trauma education is required of physicians, physician assistants, advanced registered nurse practitioners, registered nurses, and licensed practical nurses who are identified or defined as trauma team members by a trauma care facility and who participate directly in the initial resuscitation of the trauma patient.

137.2(2) Requirements for initial trauma education. Specific requirements for initial trauma education for each provider category are as follows:

a. Physicians, PAs and ARNPs shall comply with education criteria specific to the level for which the trauma care facility is verified. Physicians, PAs and ARNPs at verified level I, II, and III trauma care facilities shall comply with criteria according to the "Resources for Optimal Care of Injured Patients 2022 Standards" published by the American College of Surgeons. Physicians, PAs and ARNPs at verified level IV trauma care facilities shall comply with criteria according to the "Resources for Optimal Care of the Injured Patient 2014" published by the American College of Surgeons.

b. RNs and LPNs shall comply with education criteria specific to the level for which the trauma care facility is verified. RNs and LPNs at verified level I, II, and III trauma care facilities shall comply with criteria according to the "Resources for Optimal Care of Injured Patients 2022 Standards" published by the American College of Surgeons. RNs and LPNs at verified level IV trauma care facilities shall comply with criteria according to the "Resources for Optimal Care of the Injured Patient 2014" published by the American College of Surgeons.

641—137.3(147A) Continuing trauma education requirements. Specific requirements for continuing trauma education for each provider category are as follows:

137.3(1) Physicians, PAs and ARNPs shall comply with education criteria specific to the level for which the trauma care facility is verified. Physicians, PAs and ARNPs at verified level I, II, and III trauma care facilities shall comply with criteria according to the "Resources for Optimal Care of Injured Patients 2022 Standards" published by the American College of Surgeons. Physicians, PAs and ARNPs at verified level IV trauma care facilities shall comply with criteria according to the "Resources for Optimal Care of the Injured Patient 2014" published by the American College of Surgeons.

137.3(2) RNs and LPNs shall comply with education criteria specific to the level for which the trauma care facility is verified. RNs and LPNs at verified level I, II, and III trauma care facilities shall comply with criteria according to the "Resources for Optimal Care of Injured Patients 2022 Standards"

published by the American College of Surgeons. RNs and LPNs at verified level IV trauma care facilities shall comply with criteria according to the "Resources for Optimal Care of the Injured Patient 2014" published by the American College of Surgeons.

These rules are intended to implement Iowa Code chapter 147A.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9079C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to emergency medical services

The Department of Health and Human Services hereby rescinds Chapter 139, "Emergency Medical Services—Training Programs—Students—Complaints and Investigations," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 147A.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 147A.4.

Purpose and Summary

This chapter was reviewed and is being rescinded and adopted anew as part of the Red Tape Review process laid out by Executive Order 10. This chapter establishes the standards and requirements for authorization of emergency medical care training programs in the state of Iowa, establishes the requirements of the training program related to preparing students for emergency medical provider certification in the state of Iowa, and describes the authority of the Department to impose disciplinary sanctions against a training program.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8538C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings.

Public comment was received via email from an individual who is a nationally and Iowa-certified paramedic as well as a nationally certified emergency medical services (EMS) educator. This individual provided feedback for changes related to accrediting bodies, accreditation standards, and the role of preceptors. Therefore, several changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 139 and adopt the following **new** chapter in lieu thereof:

CHAPTER 139
EMERGENCY MEDICAL SERVICES—TRAINING PROGRAMS—STUDENTS—COMPLAINTS AND INVESTIGATIONS

641—139.1(147A) Definitions.

"Advanced emergency medical technician" or *"AEMT"* means the same as defined in rule 641—131.1(147A,147D,272C).

"CAAHEP" means the same as defined in rule 641—131.1(147A,147D,272C).

"CAPCE" means the same as defined in rule 641—131.1(147A,147D,272C).

"CEH" means the same as defined in rule 641—131.1(147A,147D,272C).

"Certification" or *"certificate"* means the same as defined in rule 641—131.1(147A,147D,272C).

"Certified" means the same as defined in rule 641—131.1(147A,147D,272C).

"CoAEMSP" means Committee on Accreditation for the EMS Professions.

"Core continuing education" means the same as defined in rule 641—131.1(147A,147D,272C).

"Course completion date" means the date of the final classroom session of an emergency medical care provider course.

"Course coordinator" means an individual who has been assigned by the training program to coordinate the activities of an emergency medical care provider course.

"Critical care paramedic" or *"CCP"* means the same as defined in rule 641—131.1(147A,147D,272C).

"Emergency medical care" means any medical procedure authorized by Iowa Code chapter 147A and 641—Chapter 131.

"Emergency medical care provider" means the same as defined in Iowa Code section 147A.1.

"Emergency medical care student" or *"student"* means any individual enrolled in an EMS training program.

"Emergency medical responder" or *"EMR"* means the same as defined in rule 641—131.1(147A,147D,272C).

"Emergency medical services" or *"EMS"* means the same as defined in Iowa Code section 147A.1.

"Emergency medical technician" or *"EMT"* means the same as defined in rule 641—131.1(147A,147D,272C).

"EMS evaluator" or *"EMS-E"* means an individual who has successfully completed an EMS evaluator curriculum approved by the department and is currently endorsed by the department as an EMS-E.

"EMS instructor" or *"EMS-I"* means the same as defined in rule 641—131.1(147A,147D,272C).

"EMS training program" or *"training program"* means a program offered by an Iowa college approved by the Higher Learning Commission, an Iowa hospital, or a service program that has received authorization from the department to conduct emergency medical care training.

"Endorsement" or *"endorsed"* means the same as defined in rule 641—131.1(147A,147D,272C).

"Higher Learning Commission" means the independent corporation that accredits degree-granting postsecondary institutions in the north central region of the United States.

"NREMT" means the same as defined in rule 641—131.1(147A,147D,272C).

"Out-of-state student" means any individual participating in clinical or field experience as a student in an approved out-of-state training program.

"Out-of-state training program" means an EMS training program located outside the state of Iowa that is approved by the authorizing agency of the program's home state to conduct initial EMS training for EMR, EMT, AEMT, paramedic or other levels certified by the department.

"Outreach course coordinator" means an individual assigned by the training program to coordinate the activities of an emergency medical care provider course held outside the training program facilities.

"Paramedic" or *"PM"* means the same as defined in rule 641—131.1(147A,147D,272C).

"Physician" means an individual licensed under Iowa Code chapter 148.

"Physician assistant" or *"PA"* means an individual licensed pursuant to Iowa Code chapter 148C.

"Preceptor" means an individual assigned by the training program, clinical facility or service program to supervise EMS students while the students are completing their clinical or field experience. A preceptor shall be an emergency medical care provider certified at the level at which the preceptor is providing supervision or at a higher level or be licensed as a physician, physician assistant or registered nurse.

"Primary instructor" means an individual who is responsible for teaching the majority of an emergency medical care provider course.

"Registered nurse" or *"RN"* means an individual licensed pursuant to Iowa Code chapter 152.

"Service program" or *"service"* means the same as defined in Iowa Code section 147A.1.

"Training program director" means a health care professional (full-time educator or practitioner of emergency or critical care) assigned by the training program to direct the operation of the training program.

"Training program medical director" means a physician licensed under Iowa Code chapter 148 who is responsible for providing medical oversight to an EMS training program.

641—139.2(147A) Initial application, renewal application, inspection and approval.

139.2(1) *Initial application, inspection and approval.*

a. An applicant seeking initial authorization as an EMS training program shall complete and submit to the department an Iowa EMS training program self-assessment application. The application is available from the department upon request.

b. The department will perform an on-site inspection of the applicant's facilities and clinical resources. The purpose of the inspection is to examine educational objectives, patient care practices, facilities and administrative practices.

c. A training program's initial authorization is for one year.

d. No person shall interfere with the inspection activities of the department or its agents. Interference with or failure to allow an inspection may be cause for denial of authorization.

139.2(2) *Renewal application, inspection and approval.*

a. A training program seeking renewal as an EMS training program shall complete and submit to the department the Iowa EMS training program self-assessment renewal application. The application is available from the department upon request.

b. EMS training program renewal applications will be submitted at least 90 days before the end of the current authorization period.

c. The department will complete an on-site inspection and review the self-assessment prior to the end of the current authorization period.

d. Following the on-site inspection, the department will provide the training program a renewal application report detailing the status of the application.

e. The department will authorize the training program or determine timelines for the correction of deficiencies in the renewal application.

f. If the deficiencies are not corrected within the time period established by the department, the training program is subject to disciplinary action as described in rule 641—139.8(147A).

g. A training program's approved renewal authorization will not exceed four years.

h. No person shall interfere with the inspection activities of the department or its agents. Interference with or failure to allow an inspection may be cause for denial of authorization.

641—139.3(147A) Training program standards, student requirements and waivers.

139.3(1) *Education standards.* A training program shall:

a. Have a sponsoring institution that has received authorization from the department to conduct emergency medical care services training.

b. Use the U.S. Department of Transportation's National Emergency Medical Services Education Standards (December 2021) for any courses leading to Iowa certification.

c. Use the Iowa CCP curriculum (January 2024) for courses leading to the CCP endorsement.

d. Be accredited by CAAHEP or have a letter of review from CoAEMSP if graduating students at the paramedic certification level.

e. Document equivalent training and what portions of any course have been waived for equivalency. A training program may waive portions of the required emergency medical care provider training for students currently certified as emergency medical care providers or licensed in other health care professions, including but not limited to physician, nursing, physician assistant, respiratory therapist, dentistry, and military.

139.3(2) *Clinical or field experience resources.* Training programs shall:

a. Have a mechanism to clearly identify students in the clinical or field setting, or both.

b. Ensure that clinical experiences available are consistent with the needs of the curriculum and adequate for the number of students enrolled.

c. Ensure that clinical affiliations that are outside of the sponsoring training program are established and confirmed in written agreements with institutions or agencies that provide clinical experience under appropriate medical direction and clinical supervision.

d. Only allow students to perform skills and procedures in the clinical or field setting for which the students have received training with direct supervision by a preceptor designated and approved by the training program.

139.3(3) *Staff.* Training programs shall:

a. Have a training program director who is a health care professional (full-time educator or practitioner of emergency or critical care) assigned by the training program to direct the operation of the training program.

b. Have a training program medical director who shall, at a minimum, review the educational content of each training program curriculum, evaluate the quality of medical instruction, and supervise delivery of the curriculum by the faculty members.

c. Have qualified faculty through academic preparation, training, and experience to teach and evaluate the courses or topics to which they are assigned. At a minimum, each course coordinator, outreach course coordinator, and primary instructor utilized by the training program shall be endorsed as an Iowa EMS instructor.

139.3(4) *Student eligibility.* Training programs shall ensure that emergency medical care students meet the following requirements:

a. Be at least 17 years of age on the date of enrollment.

b. Have a high school diploma or its equivalent if enrolling in an AEMT or paramedic course.

c. Be able to speak, write and read English.

d. Be able to meet the minimum requirements for the department- or NREMT-approved testing requirements with reasonable and appropriate accommodations for those persons with documented disabilities, as required by the Americans with Disabilities Act (ADA) as amended to August 1, 2024.

e. Be currently certified, at a minimum, as an EMT if enrolling in an AEMT or paramedic course.

f. Be a current emergency medical care provider, RN, PA, or physician when applying for the EMS instructor endorsement.

139.3(5) *Students.* Training programs shall:

a. Have defined processes for review of academic history, criminal history, and health-related issues for the admission of students.

b. Have a process to evaluate students on a recurring basis and with sufficient frequency to provide both the student and training program faculty with valid and timely indicators of the student's progress and achievement of the competencies and objectives stated within the program's curriculum.

c. Have student guidance procedures that include documentation of regular and timely discussions with qualified faculty or counselors.

d. Maintain student records for each student enrolled in each program.

e. Notify the NREMT of each student's successful completion of a training course to ensure NREMT cognitive examination eligibility.

f. Verify that a student completes all training program requirements before being eligible to attempt the department- or NREMT-approved testing requirements.

g. Ensure that students only perform skills or procedures learned in the training program until an Iowa emergency medical care provider certification is obtained.

h. Ensure that a student is not substituted for the regular personnel of any affiliated medical facility or service program but may be employed while enrolled in the training program.

139.3(6) *Financing and administration.* Training programs shall:

a. Have sufficient equipment and supplies to be used in the provision of instruction. The equipment and supplies shall be available and consistent with the needs of the curriculum and adequate for the number of students enrolled.

b. Have sufficient classrooms, laboratories, and administrative offices and facility design to accommodate the number of students in the program and the supporting faculty.

c. Notify the department, in writing, of any change in ownership or control of the training program.

d. Have liability insurance or offer liability insurance to enrolled students.

641—139.4(147A) Out-of-state training programs.

139.4(1) *Application, inspection and approval.*

a. An out-of-state training program shall complete and submit to the department for review and approval the out-of-state training program self-assessment application. The application is available from the department upon request.

b. An out-of-state training program's approval by the department shall not exceed four years.

c. An out-of-state training program seeking initial or renewal approval must be accredited by CAAHEP or have a letter of review from CoAEMSP if graduating students at the paramedic certification level.

d. An out-of-state training program shall be limited to utilization of clinical sites or field sites, or both, within Iowa.

e. An authorized out-of-state training program shall provide the department with a current roster of students who will be participating in the clinical or field experience within the state of Iowa and, for each

program, the sites where the students will be participating. This roster will be provided prior to commencement of any clinical or field experience.

f. An out-of-state training program shall provide documentation of liability insurance for each student participating in the clinical or field setting within the state of Iowa.

g. Failure to comply with these requirements may lead to disciplinary action or denial of utilization of clinical or field sites in Iowa.

h. The department may perform an on-site inspection of the out-of-state training program's facilities and clinical and field resources as part of the initial or renewal review process.

i. The department, without prior notification, may make inspections at times, at places and under such circumstances as it deems necessary to ensure compliance with Iowa Code chapter 147A and these rules.

j. No person shall interfere with the inspection activities of the department or its agents. Interference with or failure to allow an inspection may be cause for disciplinary action regarding training program approval.

k. Representatives of the training program may be required to meet with the department at the time the application and inspection report are discussed.

l. A written report of department action and the department inspection report will be sent to the training program.

m. A training program shall notify the department, in writing, of any change in ownership or control within 30 days.

139.4(2) Reserved.

641—139.5(147A) Failure to comply with rules. Failure of a training program to comply with these rules may result in disciplinary action according to rule 641—139.8(147A).

641—139.6(147A) Temporary waivers. If during a period of authorization there is some occurrence that temporarily causes a training program to be in noncompliance with these rules, the department may grant a temporary waiver.

139.6(1) Waivers of these rules may be granted by the department to a currently authorized training program.

139.6(2) Requests for waivers apply only to the training program requesting the waiver and apply only to those requirements and standards for which the department is responsible.

139.6(3) A training program can apply for a waiver in accordance with 441—Chapter 6.

641—139.7(147A) Continuing education providers—approval, recordkeeping and inspection.

139.7(1) A training program may conduct or authorize other entities to provide continuing education courses.

139.7(2) Each training program shall assign a sponsor number to each core continuing education course using an assignment system approved by the department.

139.7(3) Course approval shall be completed prior to the course being offered.

139.7(4) Each training program shall maintain a participant record that includes, at a minimum, each participant's:

a. Name.

b. Address.

c. Certification number.

d. Course sponsor number.

e. Course instructor.

f. Date of course.

g. CEHs awarded.

139.7(5) The department may request additional information or inspect the records of any continuing education provider who is currently approved or who is seeking approval.

641—139.8(147A) Discipline—denial, citation and warning, probation, suspension, or revocation of training program approval or renewal.

139.8(1) This rule is not subject to waiver pursuant to 441—Chapter 6 or any other provision of law.

139.8(2) Method of discipline. The department has the authority to impose the following disciplinary sanctions against a training program:

a. Issue a citation and warning.

b. Impose a period of probation under specific conditions.

c. Prohibit permanently, until further order of the department, or for a specific period, a program's ability to engage in specific procedures, methods, acts or activities incident to the practice of the profession.

d. Suspend an authorization until further order of the department or for a specific period.

e. Deny an application for authorization.

f. Revoke an authorization.

g. Impose such other sanctions as allowed by law and as may be appropriate.

139.8(3) The department may impose any of the disciplinary sanctions provided in subrule 139.8(2) when it finds that the training program or applicant has failed to meet the applicable provisions of these rules or has committed any of the following acts or offenses:

a. Fraud in procuring approval or renewal.

b. Falsification of training or continuing education records or failure to document training or continuing education.

c. Suspension or revocation of approval to provide emergency medical care training or other disciplinary action taken pursuant to Iowa Code chapter 147A. A certified copy of the record or order of suspension, revocation or disciplinary action is conclusive or prima facie evidence.

d. Engaging in any conduct that subverts or attempts to subvert a department investigation.

e. Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail.

f. Failure to comply with a subpoena issued by the department or failure to cooperate with an investigation of the department.

g. Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.

h. Submission of a false report of continuing education.

i. Knowingly aiding, assisting or advising a person to unlawfully practice EMS.

j. Representing itself as an approved training program or continuing education provider when approval has been suspended or revoked or when approval has lapsed or has been placed on inactive status.

k. Using an unqualified individual as an instructor or evaluator.

l. Allowing verbal or physical abuse of a student or staff.

m. Failing to verify registration of a student with the department within the timeline established by the department or allowing an unregistered student to function in a clinical environment.

n. Sexually harassing a patient, student or coworker. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature communicated in person, in writing, via a third person or through electronic communication.

o. Betrayal of a professional confidence.

p. Engaging in a professional conflict of interest.

q. Discrimination. A training program or continuing education provider shall not practice, condone, or facilitate discrimination against a patient, student, or supervisee on the basis of race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, mental or physical disability, diagnosis, or social or economic status.

r. Failure to comply with the 2015 Standards and Guidelines for the Accreditation of Educational Programs in the Emergency Medical Services Professions published by the Commission on Accreditation of Allied Health Education Programs.

641—139.9(147A) Complaints, investigations and appeals.

139.9(1) All complaints regarding an emergency medical care student, training programs or continuing education providers or those purporting to be or operating as the same shall be reported to the department in writing.

139.9(2) Any emergency medical care provider, emergency medical care student, training program or continuing education provider who has knowledge of an emergency medical care provider or service program that has violated Iowa Code chapter 147A, 641—Chapter 132 or these rules shall report such information to the department.

139.9(3) Complaint investigations may result in the department's issuance of a notice of denial, citation and warning, probation, suspension or revocation.

139.9(4) A determination of mental incompetence by a court of competent jurisdiction automatically suspends a certificate for the duration of the certificate unless the department orders otherwise.

139.9(5) Notice of denial, issuance of a citation and warning, probation, suspension or revocation shall be effected in accordance with the requirements of 441—Chapter 16 and can be appealed pursuant to 441—Chapter 7.

These rules are intended to implement Iowa Code chapter 147A.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9080C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to EMS system development grants fund

The Department of Health and Human Services hereby rescinds Chapter 140, "Emergency Medical Services System Development Grants Fund," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 135.25.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 147A.

Purpose and Summary

This chapter was reviewed and is being rescinded and adopted new as part of the Red Tape Review process laid out by Executive Order 10. This chapter provides clarity and a process for emergency medical services (EMS) system development grant requirements.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8542C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 140 and adopt the following **new** chapter in lieu thereof:

CHAPTER 140
EMERGENCY MEDICAL SERVICES SYSTEM DEVELOPMENT GRANTS FUND

641—140.1(135) Definitions. For the purpose of these rules, the following definitions apply:

"Ambulance service" means the same as defined in 641—132.1(147A).

"CEHs" means the same as defined in 641—131.1(147A,147D,272C).

"Continuing education" means the same as defined in 641—131.1(147A,147D,272C).

"County EMS association" means a countywide group of EMS providers and various agency and organization representatives and consumers who provide leadership for the local EMS system on needs and objectives. The county EMS association should also include representatives of services located in a neighboring county if service is provided on a regular basis to residents of the county receiving funding.

"Emergency medical care provider" means the same as defined in Iowa Code section 147A.1.

"Emergency medical services" or *"EMS"* means the same as defined in Iowa Code section 147A.1.

"EMS course" means a course for emergency medical care personnel pursuant to Iowa Code section 147A.4(2).

"Infrastructure" means those elements that make up an EMS system.

"Nontransport service" means nontransport service as defined in 641—132.1(147A).

"Regional EMS council" means a multicounty nonprofit corporation whose purpose is to facilitate EMS development on a regional basis.

"Service program" means service program as defined in Iowa Code section 147A.1.

"Strategic plan" means a document produced via a multiagency effort to evaluate and define needs and goals to improve the local EMS system.

"Training" means EMS-related courses designed and intended for EMS providers and includes any item used in training, including but not limited to slides, films, mannequins, emergency care devices, books and other items pertinent and necessary for training purposes.

641—140.2(135) County EMS associations. Each county will have a county EMS association, council or board to develop and maintain the countywide EMS system strategic plan and to provide leadership on related EMS system development funding needs and objectives.

641—140.3(135) County EMS system development grants. Grants for EMS system development proposals at the regional, county, and local level are available through a grant process from the department to county boards of supervisors or local boards of health for equipment, training, and support of infrastructure needs as identified in the countywide EMS strategic plan and the department system standards. County boards of supervisors or local boards of health shall not take any administrative fee from these funds to support their work under this rule. County recipients of funds may subcontract work under this agreement to a county EMS association. Funds for training will be used to train members of a service program that provides service on a regular basis to residents of the county being funded. Funds for equipment require a $1 match of regional, county, or local funds for each $1 of EMS system development grant funds.

140.3(1) *Eligible costs.* Costs eligible for EMS system development grant expenditures as defined in the request for proposal (RFP) include:

a. Training.

(1) Reimbursement for initial training tuition, fees and materials up to an amount that is the lowest fee charged by the training entity following successful completion of an EMS course. Practical and written examination fees may also be included.

(2) Payment of continuing education tuition, fees and materials. Education provided by an EMS program for the general public is an allowable expense.

(3) Payment for EMS training aids.

b. Other equipment as defined by the RFP.

c. Infrastructure support.

(1) Development and enhancement of EMS systems.

(2) Office equipment and supplies necessary to coordinate a countywide EMS system.

(3) Personnel services for staffing to provide countywide continuous quality improvement and medical direction.

The title to any EMS equipment purchased with these funds does not lie with the department but will be determined by the county.

140.3(2) *Ineligible costs.* Costs not eligible for funding include:

a. Certification/recertification fees.

b. Building and construction costs.

c. Debt amortization.

d. Land.

e. Rent.

f. Utilities.

g. Vehicles including ambulances, fire apparatus, boats, rescue/first-response vehicles, snowmobiles and vehicle parts.

These rules are intended to implement Iowa Code section 135.25.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9081C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to out-of-hospital do-not-resuscitate orders

The Department of Health and Human Services hereby rescinds Chapter 142, "Out-of-Hospital Do-Not-Resuscitate Orders," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 144A.7A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 144A.7A.

Purpose and Summary

These rules direct EMS providers and service programs on the processes for the recognition of out-of-hospital do-not-resuscitate (OOH DNR) orders or identifiers and implementation of the OOH DNR protocol. In addition, these rules set forth guidelines for consideration by health care providers and organizations to help ensure uniform and orderly understandings, processes and procedures for the use and implementation of OOH DNR orders consistent with the provisions of Iowa Code chapter 144A.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8463C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings.

The Department received one public comment subsequent to the publication of the Regulatory Analysis. The commenter requested that advanced registered nurse practitioners be added to the list of professions authorized to complete the OOH DNR. The Department cites back to Iowa Code chapter 144A, which provides that only a physician or physician assistant may sign the OOH DNR order form.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 142 and adopt the following **new** chapter in lieu thereof:

CHAPTER 142
OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDERS

641—142.1(144A) Definitions. For the purpose of these rules, the following definitions apply:

"Adult" means an individual 18 years of age or older.

"Attending physician" means a physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

"Attending physician assistant" means the physician assistant selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

"Comfort care" means care within the scope of the health care provider's training and certification to alleviate pain and suffering but does not include resuscitative measures.

"Emergency medical care" means such medical procedures as:

1. Administration of intravenous solutions.
2. Intubation.
3. Performance of cardiac defibrillation and synchronized cardioversion.
4. Administration of emergency drugs as provided by rule by the department.
5. Any other medical procedure approved by the department, by rule, as appropriate to be performed by emergency medical care providers who have been certified in that procedure.

"EMS provider" means an emergency medical care provider as defined in Iowa Code section 147A.1.

"Health care provider" means a person, including an emergency medical care provider, who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

"Hospital" means any hospital licensed under the provisions of Iowa Code section 135B.1.

"Life-sustaining procedure" means any medical procedure, treatment, or intervention, including resuscitation, which utilizes mechanical or artificial means to sustain, restore or supplant a spontaneous vital function, and when applied to a patient in a terminal condition, would serve only to prolong the dying process. "Life-sustaining procedure" does not include the provision of nutrition or hydration except when required to be provided parenterally or through intubation or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

"Medical direction" means direction, advice, or orders provided by a medical director or supervising physician.

"Medical director" means any physician licensed under Iowa Code chapter 148 who is responsible for overall medical direction of the service program and who has completed a medical director workshop, sponsored by the department, within one year of assuming duties.

"Online medical direction" means immediate medical direction provided directly to service program emergency medical care providers, in accordance with written parameters and protocols, by the medical director or supervising physician, either on scene or by any telecommunications system.

"Out-of-hospital do-not-resuscitate identifier" or *"OOH DNR identifier"* means a durable yet easily removable unique identification approved by the department and worn by a patient who has an out-of-hospital do-not-resuscitate order.

"Out-of-hospital do-not-resuscitate order" or *"OOH DNR order"* means a written order on a form approved by the department, signed by an attending physician, executed in accordance with the requirements of Iowa Code section 144A.7A and issued consistent with Iowa Code section 144A.2, that directs the withholding or withdrawal of resuscitation when an adult patient in a terminal condition is outside the hospital.

"Out-of-hospital do-not-resuscitate protocol" or *"OOH DNR protocol"* means the statewide protocol approved by the department and intended to avoid unwarranted resuscitation by emergency medical care providers when a valid out-of-hospital do-not-resuscitate order or identifier is encountered.

"Patient" means any individual who is sick, injured, or otherwise incapacitated.

"Physician" means any individual licensed under Iowa Code chapter 148.

"Physician assistant" or *"PA"* means an individual licensed pursuant to Iowa Code chapter 148C.

"Qualified patient" means any patient who is an adult as defined in Iowa Code section 144A.2.

"Registered nurse" or *"RN"* means an individual licensed pursuant to Iowa Code chapter 152.

"Resuscitation" means any medical intervention that utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function, including but not limited to chest compression, defibrillation, intubation, and emergency drugs intended to alter cardiac function or otherwise to sustain life.

"Service program" or *"service"* means any medical care ambulance service or nontransport service that has received authorization by the department.

"Supervising physician" means any physician licensed under Iowa Code chapter 148.

"Terminal condition" means an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a relatively short period of time or a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery.

641—142.2(144A,147A) Responsibilities of the department.

142.2(1) *OOH DNR physician or physician assistant order.* The department designates the OOH DNR order form contained in Appendix A as the uniform OOH DNR order form to be used statewide. If an attending physician or attending physician assistant issues an OOH DNR order for a qualified patient, the physician or physician assistant must use the form contained in Appendix A.

142.2(2) *OOH DNR personal identifier.* The department designates the identifier supplied by MedicAlert® as the uniform personal identifier to be used for mobile qualified patients statewide. Instructions for obtaining a uniform personal identifier are contained in Appendix A.

142.2(3) *OOH DNR protocol.* The department designates the OOH DNR protocol contained in Appendix B as the uniform protocol to be used by EMS providers in implementing an OOH DNR order.

142.2(4) *Appendix A and Appendix B forms.* Forms referenced in subrules 142.3(1) through 142.3(3) are available through the department's website or by request.

641—142.3(144A,147A) EMS providers.

142.3(1) *Uniform protocol.* EMS providers shall act in accordance with the department's OOH DNR protocol when implementing an OOH DNR order. EMS service programs shall incorporate the OOH DNR protocol as part of their service protocols and, using educational materials consistent with the curriculum developed and approved by the department, shall inform and educate EMS providers on the protocol's requirements as well as the requirements of Iowa Code chapter 144A and these rules.

142.3(2) *Responsibility of the EMS provider.* The EMS provider responding outside a hospital as a member of a service program shall:

a. Evaluate the patient's status and needs through an assessment consistent with the provider's training and certification.

b. Determine the existence of an OOH DNR order or that the patient is wearing an OOH DNR identifier.

c. Honor the OOH DNR order or OOH DNR identifier worn by the patient.

d. Discontinue resuscitation if the OOH DNR order or OOH DNR identifier worn by the patient is discovered after resuscitation has begun.

e. Follow the OOH DNR protocol.

f. Provide comfort care to the patient at all times.

g. Contact on-line medical direction for further instructions as necessary to provide appropriate patient care.

h. If uncertainty exists regarding the validity or applicability of the OOH DNR order or identifier, the EMS provider shall provide the necessary and appropriate resuscitation.

i. Document compliance or noncompliance with the OOH DNR order and the reasons for not complying with the order, including evidence that the order was revoked or uncertainty regarding the validity or applicability of the order.

641—142.4(144A) Guidelines for non-EMS health care providers, patients, and organizations. In order to encourage understanding and implementation of OOH DNR orders and protocols throughout Iowa and honor a qualified patient's wishes and intent regarding the provision of life-sustaining procedures in an out-of-hospital setting consistent with the requirements of Iowa Code chapter 144A, the following guidelines should be considered.

142.4(1) *Attending physicians or attending physician assistants who issue OOH DNR orders.* The attending physician or attending physician assistant should ensure that the following are accomplished:

a. Establish that the patient is qualified because the patient:

(1) Is an adult; and

(2) Has a terminal condition.

b. Explain to the patient or the individual legally authorized to act on the patient's behalf the implications of an OOH DNR order.

c. If the qualified patient or individual legally authorized to act on the patient's behalf decides that the patient should not be resuscitated, the attending physician or attending physician assistant may issue the OOH DNR order on the prescribed uniform order form. The order will direct health care providers to withhold or withdraw resuscitation.

d. Explain to the qualified patient or the individual legally authorized to act on the patient's behalf how the OOH DNR order is revoked.

e. Include a copy of the order in the qualified patient's medical record.

f. Provide a copy of the order to the qualified patient or the individual legally authorized to act on the patient's behalf.

142.4(2) *Qualified patients or legally authorized persons.* A qualified patient or a person legally authorized to act on a qualified patient's behalf should:

a. Make an informed decision concerning resuscitation in the face of a terminal condition.

b. Ensure that the qualified patient's family members are aware of this decision and inform them of the location of the OOH DNR order and the purpose of an OOH DNR identifier.

c. Understand the process for revocation as described in rule 641—142.5(144A).

142.4(3) *Non-EMS health care providers.* A non-EMS health care provider contemplating resuscitation for a patient should:

a. Evaluate the patient's status and needs through an assessment consistent with the provider's training, certification and licensure.

b. Determine that the presenting condition is within the scope of the patient's terminal condition and is not the result of a motor vehicle collision, fire, mass casualty or other cause of a sudden accident or injury.

c. Determine the existence of an OOH DNR order or that the patient is wearing an OOH DNR identifier.

d. Honor the OOH DNR order or OOH DNR identifier worn by the patient.

e. Discontinue resuscitation if the OOH DNR order or OOH DNR identifier worn by the patient is discovered after resuscitation has begun.

f. Provide comfort care to the patient at all times.

g. If uncertainty exists regarding the validity or applicability of the OOH DNR order or identifier, the health care provider shall provide the necessary and appropriate resuscitation.

h. Document compliance or noncompliance with the OOH DNR order and the reasons for not complying with the order, including evidence that the order was revoked or uncertainty regarding the validity or applicability of the order or OOH DNR identifier.

142.4(4) *Hospitals.* A hospital:

a. Is not precluded from honoring an OOH DNR order entered in accordance with this chapter and in compliance with established hospital policies and protocols.

b. Should, to avail itself of the immunities provided within Iowa Code chapter 142, establish such policies and protocols to address an OOH DNR order or identifier encountered on a person who presents to the emergency department or in any other area within the facility if the person presents as a patient or visitor.

c. Should integrate policies and procedures with the OOH DNR protocol for hospital-based ambulance service programs, if present.

142.4(5) *Other health care organizations.* A nursing home, home health care agency, hospice, or other health care organization should establish policies and protocols consistent with these rules to address admitted patients who have OOH DNR orders.

641—142.5(144A) Revocation of the out-of-hospital do-not-resuscitate order. An OOH DNR order is deemed revoked at any time that a patient, or an individual authorized to act on the patient's behalf as designated on the OOH DNR order, is able to communicate in any manner the intent that the order be revoked, without regard to the mental or physical condition of the patient. A revocation is only effective as to the health care provider upon communication to that provider by the patient, an individual authorized to act on the patient's behalf as designated in the OOH DNR order, or by another person to whom the revocation is communicated by the patient.

641—142.6(144A) Personal wishes of family members or other individuals who are not authorized to act on the patient's behalf. The personal wishes of family members or other individuals who are not authorized in the order to act on the patient's behalf cannot supersede a valid OOH DNR order.

641—142.7(144A) Transfer of patients.

142.7(1) An attending physician or attending physician assistant who is unwilling to comply with an OOH DNR order or who is unwilling to comply with the provisions of Iowa Code section 144A.7A shall take all reasonable steps to effect the transfer of the patient to another physician or physician assistant.

142.7(2) If the policies of a hospital, nursing home, home health care agency, hospice or other health care organization preclude compliance with the OOH DNR order of a qualified patient, the provider shall take all reasonable steps to effect the transfer of the patient to an organization in which the provisions of Iowa Code section 144A.7A can be carried out.

641—142.8(144A) Application to existing orders.

142.8(1) An OOH DNR order or similar order executed prior to September 10, 2003, is valid and shall be honored in accordance with the then-applicable provisions of the law.

142.8(2) Health care providers may honor an OOH DNR order or identifier from another state if it can be validated and applied in a manner consistent with the OOH DNR order or identifier prescribed in these rules. In cases where there is uncertainty, clarification should be sought through on-line medical direction or resuscitation efforts should be initiated.

These rules are intended to implement Iowa Code sections 144A.7A and 147A.4.

APPENDIX A

Iowa Department of Health and Human Services
OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDER
(Please type or print)

Date of Order: _____/_____/_____
Patient Information:
Name: (Last)_____(First)_____(Middle)_____
Address: _____(City)_____(Zip)_____
Date of Birth: _____/_____/_____ Gender (Circle): M or F
Name of Hospice or Care Facility (if applicable): _____

Attending Physician or Physician Assistant Order

As the attending physician or attending physician assistant for the above-named patient, I certify that this individual is over 18 years of age and has a terminal diagnosis. After consultation with this patient (or the patient's legal representative), I hereby direct any and all health care providers, including qualified emergency medical services (EMS) personnel, to withhold or withdraw the following life-sustaining procedures in accordance with Iowa law (Iowa Code chapter 142A):

- Cardiopulmonary Resuscitation/Cardiac Compression (Chest Compressions).
- Endotracheal Intubation/Artificial or Mechanical Ventilation (Advance Airway Management).
- Defibrillation and Related Procedures.
- Use of Resuscitation Drugs.

This directive does NOT apply to other medical interventions for comfort care.

_____ _____/_____/_____
Signature of Attending Physician (MD, DO) or Attending Physician Assistant **Date**

_____ (_____)_____-_____
Printed Name of Attending Physician or Attending Physician Assistant **Physician's or Physician Assistant's Telephone (Emergency)**

To the extent that it is possible, a person designated by the patient may revoke this order on the patient's behalf. If the patient wishes to authorize any other person(s) to revoke this order, the patient MUST list those persons' names below:

Name: _____
Name: _____
Name: _____
Name: _____

Patients, please note: Directions for obtaining a uniform identifier are listed on the back of this form. The uniform identifier is the key way the health care provider and/or EMS personnel can quickly recognize that you have an Out-of-Hospital Do-Not-Resuscitate order. If you are not wearing an identifier, the health care provider and/or EMS personnel may not realize that you do not want to be resuscitated.

Physicians or physician assistants, please note: Information regarding the completion of an Out-of-Hospital Do-Not-Resuscitate order is on the back of this form.

APPENDIX A

Directions for obtaining a uniform identifier:

The uniform identifier may be obtained through MedicAlert®[1], which requires:

1. A completed MedicAlert® application, which is available in physician or physician assistant offices or through MedicAlert® by phoning (800)432-5378 or the website www.medicalert.org, and fee.
2. A copy of this completed OOH DNR order, which must accompany the MedicAlert® application or be sent to MedicAlert® prior to the identifier's being mailed.

[1]MedicAlert® is a nonprofit 501C membership organization.

Suggested guidelines for physicians or physician assistants:

1. Please review the Iowa Out-of-Hospital Do-Not-Resuscitate order and related protocol with the patient/patient's legal representative(s). The following points may be helpful:

- Patient/patient's legal representative(s) listed on this order must understand the significance of this order, that in the event the patient's heart or breathing stops or malfunctions, the anticipated result of this order is death.
- Patient/patient's legal representative(s) listed on this order may revoke this directive at any time. However, the desire to revoke must be communicated to the EMS or other health care professionals at the scene.
- It is important to emphasize that this order does not apply to medical interventions to make the patient more comfortable.
- The importance of wearing the uniform identifier for those qualified patients who would benefit from the mobility this offers should be stressed. It is also helpful to walk patients through the process they must follow to acquire the identifier.

2. Provide a copy of this order to the patient/patient's legal representative(s) listed on this order and place the original in the patient's medical records.

The OOH DNR Order form is available through the department's website.

APPENDIX B

EMS OUT-OF-HOSPITAL DO-NOT-RESUSCITATE PROTOCOL

Purpose: This protocol is intended to avoid unwarranted resuscitation by emergency care providers in the out-of-hospital setting for a *qualified patient*.[1] There must be a valid Out-of-Hospital Do-Not-Resuscitate (OOH DNR) order signed by the qualified patient's attending physician or physician assistant or the presence of the OOH DNR identifier indicating the existence of a valid OOH DNR order.

No resuscitation: Means withholding any medical intervention that utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function, including but not limited to:

1. Chest compressions,
2. Defibrillation,
3. Esophageal/tracheal/double-lumen airway; endotracheal intubation, or
4. Emergency drugs to alter cardiac or respiratory function or otherwise sustain life.

Patient criteria: The following patients are recognized as qualified patients to receive no resuscitation:

1. The presence of the uniform OOH DNR order or uniform OOH DNR identifier, or
2. The presence of the attending physician or attending physician assistant to provide direct verbal orders for care of the patient.

The presence of a signed physician or physician assistant order on a form other than the uniform OOH DNR order form approved by the department may be honored if approved by the service program EMS medical director. However, the immunities provided by law apply only in the presence of the uniform OOH DNR order or uniform OOH DNR identifier. When the uniform OOH DNR order or uniform OOH DNR identifier is not present, contact must be made with on-line medical control and on-line medical control must concur that no resuscitation is appropriate.

Revocation: An OOH DNR order is deemed revoked at any time that a patient, or an individual authorized to act on the patient's behalf as listed on the OOH DNR order, is able to communicate in any manner the intent that the order be revoked. The personal wishes of family members or other individuals who are not authorized in the order to act on the patient's behalf shall not supersede a valid OOH DNR order.

Comfort Care (♥): When a patient has met the criteria for no resuscitation under the foregoing information, the emergency care provider should continue to provide that care which is intended to make the patient comfortable (a.k.a. **♥Comfort Care**). Whether other types of care are indicated will depend upon individual circumstances for which medical control may be contacted by or through the responding ambulance service personnel.

♥Comfort Care *may include but is not limited to:*

1. *Pain medication.*
2. *Fluid therapy.*
3. *Respiratory assistance (oxygen and suctioning).*

[1]*Qualified patient* means an adult patient determined by an attending physician or attending physician assistant to be in a terminal condition for which the attending physician or attending physician assistant has issued an Out-of-Hospital DNR order in accordance with the law. (Rule 641—142.1(144A), definitions)

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9082C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to automated external defibrillator maintenance

The Department of Health and Human Services hereby rescinds Chapter 143, "Automated External Defibrillator Maintenance," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 613.17.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 613.17.

Purpose and Summary

This rulemaking is a result of Executive Order 10. These rules set the standards under which a person or entity that owns, manages, or is otherwise responsible for the premises on which an automated external defibrillator is located, who in good faith renders emergency care or assistance without compensation, shall not be liable for any civil damages for acts or omissions occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is at or being moved to or from an emergency shelter unless such acts or omissions constitute recklessness or willful and wanton misconduct, if the person or entity maintains the automated external defibrillator in a condition for immediate and effective use at all times.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8457C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 143 and adopt the following **new** chapter in lieu thereof:

CHAPTER 143
AUTOMATED EXTERNAL DEFIBRILLATOR MAINTENANCE

641—143.1(613) Definition. For the purposes of these rules, the following definition applies:

"Automated external defibrillator" or *"AED"* means an external semiautomatic device that determines whether defibrillation is required.

641—143.2(613) AED maintenance. The person or entity maintaining the AED shall:

143.2(1) Ensure that the AED is maintained and inspected in accordance with the manufacturer's guidelines.

143.2(2) Ensure that the AED is programmed to conform to nationally accepted guidelines for treatment of cardiac arrest patients.

These rules are intended to implement Iowa Code section 613.17.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9083C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to air medical service program authorization

The Department of Health and Human Services hereby rescinds Chapter 144, "Emergency Medical Services—Air Medical Service Program Authorization," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 147A.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 147A.

Purpose and Summary

This rulemaking is a result of Executive Order 10. This rulemaking rescinds and reserves Chapter 144. The content of 641—Chapters 132 and 144 are being combined into a single Chapter 132 in another

rulemaking. It is not necessary to have a separate chapter for air medical services. Combining the two chapters is congruent with the intent of Executive Order 10.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8722C**. A public hearing was held on the following date(s):

- January 28, 2025
- January 29, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

This chapter is being rescinded, so there is no waiver provision.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 144**.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9084C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to stroke care reporting

The Department of Health and Human Services hereby rescinds Chapter 146, "Stroke Care Reporting," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 217.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.191.

Purpose and Summary

This rulemaking is a result of Executive Order 10. The purpose of this chapter is to improve stroke care in Iowa by promoting consistent adherence to the latest scientific treatment guidelines.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8465C**. A public hearing was held on the following date(s):

- January 16, 2025
- January 21, 2025

No one attended the public hearings.

One public comment was received from the American Heart Association requesting that the Department add a definition for "Level II – Thrombectomy-capable stroke center (TCSC)." Thrombectomy-capable stroke centers provide endovascular procedures and care but do not meet the definition of a comprehensive stroke center. Iowa Code section 135.191 requires only that comprehensive stroke centers and nationally certified primary stroke centers report data for the Iowa Statewide Stroke Database. As such, the Department did not believe it was appropriate to add the suggested definition to the rules.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 146 and adopt the following **new** chapter in lieu thereof:

CHAPTER 146
STROKE CARE REPORTING

641—146.1(135) Definitions.

"Comprehensive stroke center" means a hospital certified as a comprehensive stroke center by a nationally recognized certifying body with certification criteria consistent with the most current nationally recognized, evidence-based stroke guidelines related to reducing the occurrence of and disabilities and death associated with stroke.

"Primary stroke center" means a hospital certified as a primary stroke center by a nationally recognized certifying body with certification criteria consistent with the most current nationally recognized, evidence-based stroke guidelines related to reducing the occurrence of and disabilities and death associated with stroke.

"Stroke" means a clinical diagnosis of acute stroke or principal International Classification of Disease, 10th Revision, Clinical Modification (ICD-10-CM) discharge code of "stroke," or "transient ischemic attack," or "cerebral infarction," or "cerebral hemorrhage."

"Stroke care" means care provided to individuals with confirmed cases of stroke.

641—146.2(135) Stroke care reporting.

146.2(1) *Iowa statewide stroke database.* The department designates the Get with the Guidelines stroke module of the American Heart Association/American Stroke Association as the Iowa stroke database established in Iowa Code section 135.191.

146.2(2) *Who is required to report.* All nationally certified comprehensive stroke centers and all nationally certified primary stroke centers operating in the state of Iowa are required to report stroke data. Nationally certified acute stroke-ready hospitals and emergency medical services operating in the state of Iowa are encouraged to report stroke care data.

146.2(3) *What is to be reported.* Reportable data are those data identified by a clinical diagnosis of acute stroke or by the following ICD-10 coding:

ICD-10-CM Code	Short Description
I60.00 - I60.9	Nontraumatic subarachnoid hemorrhage
I61.0 - I61.9	Nontraumatic intracerebral hemorrhage
I63.00 - I63.9	Cerebral infarction (occlusion and stenosis of cerebral and precerebral arteries, resulting in cerebral infarction)
G45.0 - G45.2	TIA and related syndromes
G45.8 - G45.9	TIA and related syndromes
O99.411 - O99.43	Diseases of the circulatory system complicating pregnancy, childbirth and puerperium
G97.31 - G97.32	Intraoperative hemorrhage and hematoma of a nervous system organ or structure complicating a procedure
G97.51 - G97.52	Postprocedural hemorrhage and hematoma of a nervous system organ or structure following a procedure
I97.810 - I97.821	Intraoperative and postoperative cerebrovascular infarction

641—146.3(135) Method and frequency of reporting.

146.3(1) Stroke centers shall report the required stroke care information for any reportable stroke case no later than 120 days after the patient was discharged, transferred to another hospital, or pronounced dead.

146.3(2) Reports shall meet the data quality, format, and timeliness standards prescribed by the Iowa statewide stroke database.

641—146.4(135) Confidentiality. The Iowa statewide stroke database will comply with federal and state law and other health information and data collection, storage, and sharing requirements of the department.

641—146.5(135) Penalties and enforcement. If a stroke center reporting under this chapter does not comply with the reporting requirements, the department may request a review of the certification of the comprehensive or primary stroke center by the certifying entity.

These rules are intended to implement Iowa Code section 135.191.

[Filed 3/14/25, effective 6/1/25]
[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9085C

REVENUE DEPARTMENT[701]

Adopted and Filed

Rulemaking related to general requirements

The Department of Revenue hereby adopts new Chapter 1000, "General Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 123.10 and 123.49.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.18, 123.3, 123.4, 123.10, 123.24, 123.30 to 123.31B, 123.33, 123.35, 123.38, 123.39, 123.49, and 123.49A.

Purpose and Summary

This chapter describes guidelines surrounding requirements that licensees and permittees must follow pertaining to their license or permit type, in addition to processes and procedures involved for certain license privileges. Because this content is currently under the Alcoholic Beverage Division's rules as 185—Chapters 4 and 5, those existing chapters are outdated upon implementation of the government realignment in 2023 Iowa Acts, Senate File 514. In separate rulemakings, 185—Chapters 4 and 5 are rescinded herein (IAB 4/2/25), and this rulemaking is readopting the content of those chapters under the Department as 701—Chapter 1000. The rule on vending machines was updated to reflect changes in the industry since the time the original rule was written. Additionally, this rulemaking is intended to make the changes required by Executive Order 10 to remove portions of the rules that the Department determined are unnecessary, outdated, or duplicative of statutory language.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 5, 2025, as **ARC 8726C**. Public hearings were held on the following date(s):

- February 25, 2025

No one attended the public hearings. Public comment was received. The American Property Casualty Insurance Association submitted comment suggesting revision of subrule 1000.14(8) to alter the time frame for an insurance company to cancel a dramshop liability insurance policy for nonpayment of premium. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 7, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 701—Chapter 1000:

CHAPTER 1000
GENERAL REQUIREMENTS

701—1000.1(123) Definitions.

"Department" means the department of revenue.

"Director" means the director of the department of revenue or the director's designee.

This rule is intended to implement Iowa Code sections 123.3 and 123.4.

701—1000.2(123) Requirements. All applicants for licenses, permits, or certificates of compliance are subject to the following requirements, where applicable, prior to receiving a new or renewed license, permit, or certificate of compliance.

1000.2(1) *Cleanliness of premises.* The interior and exterior of the licensed premises shall be kept clean, free of litter or rubbish, painted and in good repair. Licensees and permittees shall at all times keep and maintain their respective premises in compliance with all laws, orders, rules, and ordinances of the state, county, and local authority, including but not limited to the applicable health and fire regulations.

1000.2(2) *Toilet facilities.* All licensees who mix, serve, or sell alcoholic beverages for consumption on the licensed premises shall provide for their patrons adequate, conveniently located indoor or outdoor toilet facilities. Compliance with county; city; and department of inspections, appeals, and licensing rules and regulations regarding toilet facilities, including any waivers granted by those authorities, shall constitute compliance with this rule. Outdoor toilet facilities shall be approved by the department of inspections, appeals, and licensing and the local authority where the licensed premises is located.

1000.2(3) *Water.* All licensed premises shall be equipped with hot and cold running water from a source approved by an authorized health department.

1000.2(4) *Financial standing and reputation.* A local authority or the director may consider an applicant's financial standing and good reputation in addition to the other requirements and conditions

for obtaining a license, permit, or certificate of compliance. An application for a license, permit, or certificate of compliance is subject to denial by the director or local authority if the applicant fails to demonstrate that the applicant complies with the lawful requirements and conditions for holding the license, permit, or certificate of compliance.

a. In evaluating an applicant's "financial standing," the local authority or the director may consider such factors as but not limited to the following:

(1) Verified source(s) of financial support and adequate operating capital for the applicant's proposed establishment.

(2) A record of timely submission of all required federal, state, or local tax returns or forms and prompt payment of all taxes due.

(3) A record of prompt payment to the local authority of fees or charges made by a local authority for municipal utilities or other municipal services incurred in conjunction with the proposed establishment.

(4) A record of prompt payment or satisfaction of administrative penalties imposed pursuant to Iowa Code chapter 123.

(5) A record of maintaining, and providing prompt payment for, dramshop liability insurance coverage as required pursuant to Iowa Code chapter 123.

(6) A record of prompt payment for license, permit, or certificate fees.

(7) A record of prompt payment for alcoholic liquor orders placed with the department.

b. In evaluating an applicant's "good reputation," the local authority or the director may consider such factors as but not limited to the following:

(1) A pattern or practice of sales of alcoholic beverages to persons under the legal age for which the licensee, or the licensee's agents or employees, have pled or have been found guilty.

(2) A pattern or practice by the licensee or permittee, or the licensee's or permittee's agents or employees, of violating alcoholic beverages laws and regulations for which corrective action has been taken since the previous license or permit was issued.

(3) Sales to intoxicated persons.

(4) Licensee or permittee convictions for violations of laws relating to operating a motor vehicle while under the influence of drugs or alcohol and the recency of such convictions.

(5) Licensee or permittee misdemeanor convictions and the recency of such convictions.

(6) A pattern or practice by the licensee or permittee, or the licensee's or permittee's agents or employees, of failing to cooperate with the department of public safety, the department, the county attorney, the county sheriff and sheriff's deputies, the city police department, or the city attorney.

(7) A pattern or practice by the licensee of violating local ordinances established by the local authority pursuant to Iowa Code section 123.39(2).

(8) A pattern or practice by the licensee of failing to report any change in the ownership or interest of the business pursuant to Iowa Code section 123.39(1)*"b"*(3).

c. In addition to other reasons specified by statute or rule, the department may refuse to issue a license or permit or may revoke, suspend, or not renew any license or permit for which it has jurisdiction if the centralized collection unit of the department has issued a certificate of noncompliance pursuant to the procedures set forth in Iowa Code chapter 272D.

This rule is intended to implement Iowa Code sections 123.3(40), 123.10(11), and 272D.8(2).

701—1000.3(123) Display of license, permit, or placards. All licenses, permits, or placards issued by the department must be prominently displayed in full view on the licensed premises.

This rule is intended to implement Iowa Code sections 123.4 and 123.30.

701—1000.4(123) Determination of population. Decennial censuses and special censuses done by the U.S. Census Bureau are recognized as being the official population of a town for the purpose of deciding the price of licenses in that town, but estimates done by the U.S. Census Bureau cannot be viewed as being the official population when deciding the price of licenses.

This rule is intended to implement Iowa Code section 123.10(11).

701—1000.5(123) Local ordinances permitted. The foregoing rules shall in no way be construed as to prevent any county, city or town from adopting more restrictive ordinances or regulations governing licensed establishments within their jurisdiction.

This rule is intended to implement Iowa Code section 123.39.

701—1000.6(123) Licensed premises.

1000.6(1) *Criteria.* The following criteria must be met before a "place" (as used in Iowa Code section 123.3(29)) may be licensed as a "place susceptible of precise description satisfactory to the director."

a. The place must be owned by or under the control of the prospective licensee or permittee for the entire duration of the applied-for license or permit.

b. The place must be solely within the jurisdiction of one local approving authority.

c. The place must be described by a sketch of the "premises" as defined in Iowa Code section 123.3(29) and showing the boundaries of the proposed place; showing the locations of selling/serving areas within the confines of the place; showing all entrances and exits; and indicating the measurements of the place.

d. The place must satisfy the health, safety, fire and seating requirements of the department, local authorities, and the department of inspections, appeals, and licensing.

e. Any other criteria as required by the director.

1000.6(2) *Definitions.*

"Separate premises" means:

1. A clearly defined area bounded on all sides and connecting angles by permanent, solid walls or windows extending from the floor to the ceiling, with entrances and exits that can be closed.
2. The entrances and exits shall not adjoin or provide direct access to an establishment licensed under this chapter for the sale of alcoholic beverages for consumption on the premises.
3. This term describes how holders of other retail alcohol licenses may establish a class "E" retail alcohol licensed establishment at the same physical address as their other licensed establishment.
4. The separate premises must operate independently from other licensed premises, including but not limited to:

- Maintaining a separate inventory;
- Using a separate cash register; and
- Keeping separate books and records.

"Square footage of the licensed premises" means the total interior floor area of the establishment, measured in square feet. This includes all spaces within the establishment used or to be used for:

1. Storage of alcoholic beverages;
2. Distribution of alcoholic beverages;
3. Warehousing of alcoholic beverages;
4. Display of alcoholic beverage products;
5. Wholesale operations;
6. Retail sales area; and
7. Any other spaces used in the operation of the licensed business.

This rule is intended to implement Iowa Code sections 123.3(29), 123.4, and 123.30.

701—1000.7(123) Outdoor service. Any on-premises retail alcohol licensee with a discernible, contiguous, outdoor area on the same property may apply for an outdoor service privilege. An outdoor service privilege allows an on-premises licensee to sell or serve the type of alcoholic beverage permitted by the license in an outdoor area. The privilege is an extension of a licensed premises outlined under rule 701—1000.6(123). The department may grant an outdoor service privilege once the licensee provides:

1. A new sketch showing the discernible outdoor area, including a contiguous entrance.
2. Local authority approval of the outdoor area.
3. Insurance company acknowledgment that the outdoor area is covered by the dramshop insurance policy.

4. Any other information deemed necessary by the director.

This rule is intended to implement Iowa Code sections 123.3(29), 123.4, and 123.38.

701—1000.8(123) Transfer of license or permit to another location.

1000.8(1) *Transfer conditions.* A retail alcohol license, wine permit, or beer permit may be transferred within the jurisdiction of the local authority that approved the license or permit. A licensee or permittee is only allowed to sell or serve alcoholic beverages at the transferred license or permit location once approved by the department. Sales and service at the original location must stop during the time of the license/permit transfer. Seasonal, 14-day, and 5-day retail alcohol licenses cannot be transferred.

1000.8(2) *Transfer applications.*

a. A licensee or permittee may apply for a permanent or temporary transfer by providing:

(1) A new sketch showing the premises to be licensed.

(2) Proof of control by the licensee of the premises to be licensed.

(3) Any other information deemed necessary by the director.

b. The application must be approved by the local authority and the department prior to the transfer.

c. The insurance company holding the dramshop policy listing the new address must endorse the application prior to the transfer, if applicable.

d. If a permanent transfer is approved, the department will issue an amended license or permit showing the new permanent address. If a temporary transfer is approved, the department will issue a letter of authorization to the local authority and licensee or permittee showing the new temporary address.

This rule is intended to implement Iowa Code sections 123.4 and 123.38.

701—1000.9(123) Age requirements. Persons 21 years of age or older may hold a retail alcohol license, wine permit, or beer permit. Persons 16 years of age and older may sell alcoholic beverages in off-premises establishments.

This rule is intended to implement Iowa Code sections 123.30 and 123.49.

701—1000.10(123) Persons under the legal age in licensed establishments. A person under 21 years of age may be in a licensed establishment if the local authority does not have a local ordinance prohibiting said persons from being in licensed establishments in its jurisdiction.

This rule is intended to implement Iowa Code sections 123.3(28) and 123.10(5).

701—1000.11(123) Use of establishment during hours alcoholic beverages cannot be consumed. A retail alcohol licensed establishment may be used as a restaurant or for any other lawful purpose during the hours in which alcoholic beverages are not allowed to be sold, dispensed, or consumed.

This rule is intended to implement Iowa Code section 123.49.

701—1000.12(123) Improper conduct.

1000.12(1) *Illegality on premises.* A retail alcohol licensee, or the licensee's agent or employee, must not engage in or knowingly allow any illegal occupation or illegal act on the licensed premises.

1000.12(2) *Cooperation with law enforcement officers.* A retail alcohol licensee, or the licensee's agent or employee, must not refuse, fail, or neglect to cooperate with any law enforcement officer in the performance of such officer's duties to enforce the provisions of the alcoholic beverage control Act.

1000.12(3) *Open containers of alcoholic liquor.* A class "C," class "D," class "E," or class "F" retail alcohol licensee, or the licensee's agent or employee, must not allow any open or unsealed containers of alcoholic liquor to be taken off the licensed premises, excluding mixed drinks or cocktails pursuant to Iowa Code section 123.49(2)*"d"*(3).

1000.12(4) *Identifying markers.* A licensee shall not keep on the licensed premises nor use for resale alcoholic liquor that does not bear identifying markers as prescribed by the director.

This rule is intended to implement Iowa Code section 123.49(2).

701—1000.13(123) Change of ownership of a licensed premises—new license or permit required.

1000.13(1) A new license or permit, a new bond, and a new dramshop policy, as applicable, need to be obtained whenever one of the following occurs:

a. When a business is sold or leased to another person.

b. When a licensee or permittee changes to another form of business, such as a sole proprietorship to a corporation, a corporation to a sole proprietorship, a sole proprietorship to a partnership, a partnership to a sole proprietorship, a partnership to a corporation, or a corporation to a partnership.

c. When a partner leaves a partnership or when a new partner is added to a partnership.

d. When a corporation name is changed due to a merger or is voluntarily changed by its owners.

e. Each time an entity obtains a seasonal or 5- or 14-day license.

f. When a receiver takes over the operation of an establishment.

1000.13(2) A new license or permit is not necessary:

a. When only the trade name of the business is changed.

b. When the stock of a corporation holding a license or permit is sold. The new owner or owners and the amount of stock held by each need to be submitted to the department electronically or in a manner prescribed by the director.

c. When a name of a licensee or permittee is changed by marriage, divorce, or other legal proceeding. Proof of the legal name change needs to be submitted to the department electronically or in a manner prescribed by the director.

This rule is intended to implement Iowa Code sections 123.4, 123.10, 123.31, and 123.49.

701—1000.14(123) Dramshop liability insurance requirements. For the purpose of providing proof of financial responsibility, as required under the provisions of Iowa Code section 123.92, a dramshop liability insurance policy must meet the following requirements:

1000.14(1) *Requirements.*

a. Proof of coverage—current certificate required. The dramshop liability certificate of insurance must be issued by a company holding a current certificate of authority from the Iowa insurance commissioner authorizing the company to issue dramshop liability insurance in Iowa. A new dramshop liability certificate of insurance must be provided in the manner designated by the director each time the department issues a license. The dramshop liability certificate of insurance must contain the following information:

(1) The name of the insurance provider.

(2) The policy number.

(3) The name and address of the insured.

(4) The policy effective dates.

(5) The license number of the insured, if applicable.

b. Dates of coverage.

(1) If dramshop liability insurance coverage is required as a condition of the license under Iowa Code section 123.92, the applicant or licensee must have and maintain dramshop liability insurance that covers the entire license term.

(2) If an applicant or licensee has proof of a dramshop liability insurance policy that does not cover the entire license term, the applicant or licensee will be required to provide, prior to the policy's expiration date, proof that the policy has been renewed and coverage will continue or proof that a new policy meeting the necessary requirements has been obtained.

c. Electronic attestation. The applicant or licensee must agree as a condition of license issuance that the applicant has read and will abide by all of the dramshop liability insurance requirements set forth in Iowa Code chapter 123 and this rule. The applicant or licensee understands that failure to adhere to these rules means the applicant no longer possesses the statutory requirement for licensure and the applicant's license may be suspended or canceled. The burden is upon the applicant or licensee to ensure that the department has on file valid proof of dramshop liability insurance.

d. Electronic verification/endorsement by an authorized insurance representative. An authorized representative of the insurance carrier providing dramshop liability insurance for the applicant or

licensee must electronically register with the department. The insurer must electronically provide verification of coverage and notice of cancellation or expiration in accordance with the Iowa Code and this rule. Upon request, an insurance company or an insured applicant or licensee must provide a duplicate original of the policy and all pertinent endorsements.

1000.14(2) *Minimum coverage required.* The dramshop liability insurance policy must provide the following minimum liability coverage, exclusive in interests and cost of action, per occurrence:

a. Fifty thousand dollars for bodily injury to or death of one person in each claim or occurrence.

b. One hundred thousand dollars for bodily injury to or death of two or more persons in each occurrence.

c. Twenty-five thousand dollars for loss of means of support of any one person in each occurrence.

d. Fifty thousand dollars for loss of means of support of two or more persons in each occurrence.

1000.14(3) *Permitted policies.* All dramshop liability insurance policies issued under this rule must be occurrence-based policies, not claims-made-based policies.

a. Claims-made-based policies. Claims-made-based policies provide liability coverage only if a written claim is made during the policy period, or any applicable extended reporting period.

b. Occurrence-based policies. Occurrence-based policies provide liability coverage only for injuries or damages that occur during the policy period regardless of the number of written claims made.

1000.14(4) *Civil tort liability.* Subject to the ordinary or customary exclusions usually found in a policy of dramshop liability insurance, the policy must contain coverage to insure against civil tort liability of the insured, created under Iowa Code sections 123.92, 123.93, and 123.94.

1000.14(5) *Assault and battery policy requirement.* Any dramshop liability insurance policy issued under this rule must not contain an exclusionary clause for assault and battery or intentional force with regard to:

a. Employees, agents, or any person acting as an agent of the establishment.

b. All patrons or visitors to the establishment.

1000.14(6) *Single insurance policies for multiple establishments.* Any licensee that holds multiple licenses throughout the state may purchase a single dramshop liability insurance policy for all locations provided that:

a. The single dramshop liability insurance policy provides at least the minimum level of coverage required under this rule for each and every location covered by the policy.

b. All other provisions of this rule are met by the single dramshop liability insurance policy.

1000.14(7) *Change of coverage by licensee.* A licensee may change its dramshop liability insurer at any time, but the duty is upon the licensee to provide proof of its new insurer as set out in this rule. Additionally, the licensee must maintain dramshop liability insurance coverage with no gaps in its coverage.

1000.14(8) *Cancellation of coverage by insurer.*

a. An insurance company may cancel a dramshop liability insurance policy by giving a minimum of 30 days' prior notice in writing or electronically to the department of the party's intent to cancel the policy. The 30-day period will begin on the date that the notice of cancellation is received by the department. The dramshop insurance company must also mail a copy of the notice of cancellation to its insured licensee.

b. The insurance company's notice of cancellation must contain the following information:

(1) The name of the party to whom the copy of the notice of cancellation was mailed and, if different, the name of the affected licensee;

(2) The address to which the copy of the notice of cancellation was sent and, if different, the address of the affected licensee;

(3) The date on which the notice of cancellation was mailed;

(4) The date the dramshop liability insurance policy is being canceled;

(5) The dramshop liability insurance policy number;

(6) The affected licensee's retail alcohol license number; and

(7) The reason for canceling the dramshop liability insurance policy.

1000.14(9) *Violations.* Failure to comply with this rule may subject the applicant or licensee to the penalty provisions provided in Iowa Code chapter 123, including but not limited to denial, suspension, or revocation.

This rule is intended to implement Iowa Code sections 123.92 through 123.94.

701—1000.15(123) Timely filed status.

1000.15(1) In addition to the requirements that may be imposed by a local authority upon the holder of a retail alcohol license to obtain timely filed status of a renewal application, the department may grant timely filed status if the applicant complies with the following conditions:

a. The applicant submits a completed application with the local authority or the department as required by applicable law.

b. The applicant submits a current dramshop liability certificate by the license expiration date if proof of dramshop liability is required as a condition precedent to the issuance of the license.

c. The applicant pays the appropriate license fee in full as required by applicable law.

d. A bond has been certified by the carrier if a bond is required as a condition precedent to the issuance of the license under applicable law.

1000.15(2) Timely filed status allows the holder of the license or permit to continue to operate under a license after its expiration and until the local authority and the department have finally determined whether the license should be issued. If the application for the license is denied, timely filed status continues until the last day for seeking judicial review of the department's action.

This rule is intended to implement Iowa Code sections 123.3, 123.32, 123.35, and 17A.18.

701—1000.16(123) Surety bond requirements. Each surety bond must meet the following conditions:

1000.16(1) *Certificate of authority.* The surety bond is issued by a company holding a current certificate of authority from the commissioner of insurance authorizing the company to issue bonds in Iowa.

1000.16(2) *Forfeiture of bond.* The surety bond contains a provision for the principal and surety to consent to the forfeiture of the principal sum of the bond in the event of revocation of the license or permit by the violation of any Iowa Code provision that requires forfeiture of the bond.

1000.16(3) *Cancellation.* A surety company or a principal may cancel a bond by giving the department a 30-day written notice of intent to cancel the bond. The 30-day period begins on the date that the department receives the notice of cancellation.

a. The party seeking to cancel a bond must submit written notice of such cancellation to the department and submit a copy of the notice of cancellation to the other party.

b. The notice of cancellation must contain the following:

(1) The name of the party to whom the copy of the notice of cancellation was submitted.

(2) The date on which the notice of cancellation was submitted.

(3) The date the bond is being canceled.

(4) The surety bond number.

(5) The affected licensee's or permittee's license or permit number.

1000.16(4) *Proof of bond.* A licensee or permittee is considered to have furnished a surety bond when the licensee or permittee has:

a. Filed with the department a form prescribed by the department containing the following:

(1) The name of the bond provider,

(2) The city and state where the bond provider is located,

(3) The bond number, the names of the principal, and the city and state where the principal is located,

(4) The amount of the bond,

(5) The type of license or permit guaranteed by the bond,

(6) The effective date of the bond,

(7) Signatures of the principal and the bond provider, and

(8) Any other information the director of the department may require; or

b. Met this requirement by any other method deemed acceptable by the director of the department.

This rule is intended to implement Iowa Code sections 123.30, 123.50, 123.127, and 123.175.

701—1000.17(123) Production definitions.

"Operating still" means a still that is registered with the Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 CFR 19.75(b) in effect as of April 1, 2023, and is actively used to manufacture spirits.

"Proof gallon" means a United States gallon of proof spirits, or the alcoholic equivalent thereof, as defined by the Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 CFR 30.11 in effect as of April 1, 2023.

This rule is intended to implement Iowa Code section 123.3(35).

701—1000.18(123) Manufacture and sale of native wine. Manufacturers of native wine as defined in Iowa Code section 123.3(36) may sell, keep, offer for sale, or deliver their native wine subject to the following conditions:

1000.18(1) *Class "A" native wine permit.* A manufacturer of native wine must display the original or a copy of its class "A" native wine permit in each of its native wineries and in each of its retail establishments. A manufacturer of native wine must register its retail establishment on forms or systems provided by the department.

1000.18(2) *Monthly combined wine production and wine gallonage tax report.* A monthly report showing the amount of wine on hand at the beginning of the month, the amount produced, the amount sold, the amount of wine gallonage tax due, and any other information requested is to be filed with the department. Report forms will be furnished by the department. A manufacturer of native wine must submit a report along with any wine gallonage tax payment to the department's licensing system by the tenth of each month for the preceding month's business. Reports and wine gallonage tax payments submitted by the tenth of each month for the preceding month will be considered timely. This report must be submitted for each month even if no wine sales were made during the month.

This rule is intended to implement Iowa Code sections 123.4, 123.176, and 123.183.

701—1000.19(123) Mixed drinks or cocktails not for immediate consumption. A class "C," class "D," or class "F" retail alcohol licensee may mix, store, and allow the consumption of mixed drinks or cocktails that are not for immediate consumption for up to 72 hours, subject to Iowa Code section 123.49(2)*"d"* and this rule.

1000.19(1) *Definitions.*

"Immediate consumption," for the purposes of this rule, means the compounding and fulfillment of a mixed drink or cocktail order at the time of sale of the mixed drink or cocktail.

"Mixed drink or cocktail," for the purposes of this rule, means an alcoholic beverage as defined in Iowa Code section 123.3(32).

1000.19(2) *Mixing and storing conditions.* A mixed drink or cocktail that is not for immediate consumption is to be in a container compliant with applicable state and federal food safety statutes and regulations at all times.

a. The mixed drink or cocktail must be mixed and stored in the same container.

b. The mixed drink or cocktail may only be removed from the stored container for one of the following dispensing purposes:

(1) To compound and fulfill a mixed drink or cocktail order at the time of sale.

(2) For transfer into a pourable container. The pourable container needs to have an affixed label displaying information identical to that on the container from which the contents were poured. The transfer of product to a pourable container will not extend the expiration date and time.

c. The mixed drink or cocktail may be strained into another container when it is returned without delay to the labeled container from which it was strained.

d. The container and process need to be conducted in compliance with applicable state and federal food safety statutes and regulations.

e. The mixed drink or cocktail shall not be mixed, stored, or dispensed from a container bearing an alcoholic beverage name brand.

f. A dispensing machine that contains a mixed drink or cocktail is subject to the conditions of this rule.

1000.19(3) *Labeling conditions.*

a. When a mixed drink or cocktail is placed into a container, a label must be affixed in a conspicuous place and legibly state the following information:

(1) The month, day, year, and time the contents are placed into the container.

(2) The month, day, year, and time the contents expire.

(3) The title of the recipe used.

(4) The identity of the person who prepared the contents of the container.

(5) The size of the batch within the container.

(6) The words "CONTAINS ALCOHOL."

b. The label is subject to the following conditions:

(1) The label must be removed from the container once the entire contents have been consumed, transferred to a pourable container pursuant to subparagraph 1000.19(2)*"b"*(2), or destroyed and disposed of in accordance with applicable law.

(2) A label must not be reused or reapplied to a container.

(3) A new label must be placed on the container for each prepared batch of mixed drinks or cocktails that is not for immediate consumption.

c. A licensee may access a label template on the website of the department located at revenue.iowa.gov.

1000.19(4) *Content conditions.*

a. Contents of a mixed drink or cocktail may include alcoholic beverages, nonalcoholic ingredients, or a combination of both that are not for immediate consumption.

b. A licensee may use in the mixed drink or cocktail only alcoholic beverages allowed by the license type and obtained as specified by Iowa Code chapter 123.

c. The added flavors and other nonbeverage ingredients of the mixed drink or cocktail shall not include hallucinogenic substances; added caffeine or added stimulants, including but not limited to guarana, ginseng, and taurine; or a controlled substance as defined in Iowa Code section 124.101, including tetrahydrocannabinol.

1000.19(5) *Disposal conditions.*

a. Any mixed drink or cocktail, or portion thereof, not consumed within 72 hours of the contents being placed into the empty container is expired and must be destroyed and disposed of in accordance with applicable law.

b. An expired mixed drink or cocktail that is not for immediate consumption shall not be:

(1) Added to an empty container and relabeled; or

(2) Added to another mixed drink or cocktail that is not for immediate consumption.

1000.19(6) *Recordkeeping.* A licensee must maintain accurate and legible records for each prepared batch of mixed drinks or cocktails that is not for immediate consumption.

a. Records must contain:

(1) The month, day, year, and time the contents were placed into the empty container.

(2) The contents placed in the container, including alcoholic beverages and nonalcoholic ingredients.

(3) The recipe title and directions for preparing the contents of the container.

(4) The size of the batch.

(5) The identity of the person who prepared the contents of the container.

(6) The month, day, year, and time the contents of the container were destroyed and disposed of or entirely consumed.

(7) The method of destruction and disposal or the record that the entire contents were consumed.

(8) The identity of the person who destroyed and disposed of the contents, if the contents were not consumed.

b. A licensee may access recordkeeping forms on the website of the department located at revenue.iowa.gov.

c. Records must be maintained on the licensed premises for a period of three years and shall be open to inspection pursuant to Iowa Code sections 123.30(1) and 123.33.

1000.19(7) *Federal alcohol compliance.* A licensee who mixes, stores, and allows the consumption of mixed drinks or cocktails that are not for immediate consumption is subject to all applicable federal statutes and regulations. Prohibitions include but are not limited to processing with non-tax-paid alcoholic liquor, aging alcoholic liquor in barrels, heating alcoholic liquor, bottling alcoholic liquor, and refilling alcoholic liquor or wine bottles.

1000.19(8) *Violations.* Failure to follow this rule subjects the licensee to the penalty provisions of Iowa Code section 123.39.

This rule is intended to implement Iowa Code sections 123.49 and 123.49A.

701—1000.20(123) Filling and selling of beer in a container other than the original container. Class "B," class "C," special class "C," and class "E" retail alcohol licensees, and the licensee's employees may fill, refill, and sell beer in a container other than the original container, otherwise known as a growler, subject to Iowa Code section 123.31A and this rule.

1000.20(1) *Definitions.*

"Beer," for the purposes of this rule, means "beer" as defined in Iowa Code section 123.3(7) and "high alcoholic content beer" as defined in Iowa Code section 123.3(22).

"Growler," for the purposes of this rule, means any fillable and sealable glass, ceramic, plastic, aluminum, or stainless steel container designed to hold beer or high alcoholic content beer.

"Original container," for the purposes of this rule, means a vessel containing beer that has been lawfully obtained and has been securely capped, sealed, or corked at the location of manufacture. For special class "A" beer permit holders, an "original container" includes a tank used for storing and serving beer.

1000.20(2) *Filling and refilling conditions.*

a. A growler may be filled or refilled only with beer from the original container purchased from a class "A" beer permittee. However, a special class "A" beer permittee may fill or refill a growler with beer manufactured by the special class "A" beer permittee on the permittee's licensed premises.

b. A retailer may exchange a growler to be filled or refilled.

c. The filling or refilling of a growler must be conducted in compliance with applicable state and federal food safety statutes and regulations.

1000.20(3) *Sealing conditions.* A filled or refilled growler must be securely sealed at the time of the sale by the licensee or permittee or the licensee's or permittee's employees in the following manner:

a. A growler must bear a cap, lid, stopper, or plug.

b. A plastic heat shrink wrap band, strip, or sleeve must extend around the cap or lid or over the stopper or plug to form a seal that must be broken upon the opening of the growler. A lid permanently affixed with a can seamer does not need a plastic heat shrink wrap band, strip, or sleeve.

c. The heat shrink wrap seal must be so secure that it is visibly apparent when the seal on a growler has been tampered with or a sealed growler has otherwise been reopened.

1000.20(4) *Additional conditions.*

a. A growler filled pursuant to this rule cannot be delivered or direct-shipped to a consumer.

b. A growler filled pursuant to this rule cannot be sold or otherwise distributed to a retailer.

c. A licensee or permittee or a licensee's or permittee's employees are not to allow a consumer to fill or refill a growler.

d. The filling, refilling, and selling of a growler is limited to the hours in which alcoholic beverages may be legally sold.

e. A filled or refilled growler is not to be sold to any consumer who is under legal age, intoxicated, or simulating intoxication.

f. An original container may only be opened on the premises of a class "B" or class "E" retail alcohol licensee for the limited purposes of filling or refilling a growler as provided in this rule or for a tasting in accordance with rule 701—1003.6(123).

1000.20(5) *Violations.* Failure to follow this rule subjects the licensee or permittee to the penalty provisions provided in Iowa Code chapter 123.

This rule is intended to implement Iowa Code section 123.31A.

701—1000.21(123) Filling and selling of wine and native wine in a container other than the original container. Class "B," class "C," special class "C," and class "E" retail alcohol licensees; special class "B" and special class "C" retail native wine licensees; and a licensee's employees may fill, refill, and sell wine or native wine in a container other than the original container, otherwise known as a growler, subject to Iowa Code sections 123.30, 123.31A, and 123.31B and this rule.

1000.21(1) *Definitions.*

"Growler," for the purposes of this rule, means any fillable and sealable glass, ceramic, plastic, aluminum, or stainless steel container designed to hold wine or native wine.

"Native wine," for the purposes of this rule, means the same as defined in Iowa Code section 123.3(36).

"Original container," for the purposes of this rule, means a vessel containing wine or native wine that has been lawfully obtained and has been securely capped, sealed, or corked at the location of manufacture.

"Wine," for the purposes of this rule, means the same as defined in Iowa Code section 123.3(53).

1000.21(2) *Filling and refilling conditions.*

a. A growler may be filled or refilled only with wine or native wine from the original container purchased from a class "A" wine permittee.

b. Special class "B" and special class "C" retail native wine licensees may fill a growler only with native wine.

c. A retailer may exchange a growler to be filled or refilled.

d. The filling or refilling of a growler must be conducted in compliance with applicable state and federal food safety statutes and regulations at all times.

1000.21(3) *Sealing conditions.* A filled or refilled growler must be securely sealed at the time of the sale by the licensee or the licensee's employees in the following manner:

a. A growler must bear a cap, lid, stopper, or plug.

b. A plastic heat shrink wrap band, strip, or sleeve must extend around the cap or lid or over the stopper or plug to form a seal that must be broken upon the opening of the growler. A lid permanently affixed with a can seamer does not need a plastic heat shrink wrap band, strip, or sleeve.

c. The heat shrink wrap seal must be so secure that it is visibly apparent when the seal on a growler has been tampered with or a sealed growler has otherwise been reopened.

1000.21(4) *Additional conditions.*

a. A growler filled pursuant to this rule is not allowed to be delivered or direct-shipped to a consumer.

b. A growler filled pursuant to this rule is not allowed to be sold or otherwise distributed to a retailer.

c. A licensee or a licensee's employees must not allow a consumer to fill or refill a growler.

d. The filling, refilling, and selling of a growler is limited to the hours in which alcoholic beverages may be legally sold.

e. A filled or refilled growler must not be sold to any consumer who is under legal age, intoxicated, or simulating intoxication.

f. An original container may only be opened on the premises of a class "B" or class "E" retail alcohol licensee for the limited purposes of filling or refilling a growler as provided in this rule, or for a tasting in accordance with rule 701—1003.6(123).

1000.21(5) *Violations.* Failure to follow this rule subjects the licensee to the penalty provisions provided in Iowa Code chapter 123.

This rule is intended to implement Iowa Code sections 123.30, 123.31A, and 123.31B.

701—1000.22(123) Filling and selling of mixed drinks or cocktails in a container other than the original container. Class "C" retail alcohol licensees and the licensee's employees may fill and sell mixed drinks or cocktails in a container other than the original container subject to Iowa Code section 123.49(2)*"d"*(3) and this rule.

1000.22(1) *Definitions.*

"Alcoholic liquor," for the purposes of this rule, means the same as defined in Iowa Code section 123.3(5) and includes "native distilled spirits" as defined in Iowa Code section 123.3(34).

"Mixed drink or cocktail," for the purposes of this rule, means the same as defined in Iowa Code section 123.3(32).

"Original container," for the purposes of this rule, means a vessel containing alcoholic liquor that has been lawfully obtained and has been securely capped, sealed, or corked at the location of manufacture.

"Sealed container," for the purposes of this rule, means the same as defined in Iowa Code section 123.49(2)*"d"*(4)(a).

"Tamper-evident," for the purposes of this rule, means the same as defined in Iowa Code section 123.49(2)*"d"*(4)(b).

1000.22(2) *Filling conditions.*

a. A sealed container may be filled and sold only by the licensee or the licensee's employees who are 18 years of age or older.

b. A sealed container may be filled only upon receipt of an order by a consumer of legal age.

c. A sealed container may be filled only with mixed drinks or cocktails composed in whole or in part with alcoholic liquor from an original container purchased from a class "E" retail alcohol licensee.

d. The filling of a sealed container needs to be conducted in compliance with applicable state and federal food safety statutes and regulations at all times.

1000.22(3) *Sealing conditions.* A sealed container must bear one of the following tamper-evident sealing methods:

a. A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid to form a seal that must be broken when the sealed container is opened.

b. A screw top cap or lid that breaks apart when the sealed container is opened.

c. A vacuum- or heat-sealed pouch containing the mixed drink or cocktail.

d. A lid permanently affixed to the sealed container with a can seamer.

1000.22(4) *Labeling conditions.* A sealed container must bear a label affixed to the sealed container in a conspicuous place and legibly state the following information:

a. The business name of the licensee that sold the mixed drink or cocktail.

b. The words "CONTAINS ALCOHOL."

1000.22(5) *Additional conditions.*

a. A sealed container is not allowed to be filled in advance of a sale.

b. A licensee or a licensee's employees must not allow a consumer to fill a sealed container.

c. The filling and selling of a sealed container is limited to the hours in which alcoholic beverages may be legally sold.

d. A sealed container must not be sold to any consumer who is under legal age, intoxicated, or simulating intoxication.

1000.22(6) *Recordkeeping.*

a. A licensee must maintain records, in printed or electronic format, of all sales of sealed containers. The records shall state the following:

(1) The business name of the licensee that sold the mixed drink or cocktail.

(2) The date and time of the sale.

(3) A description of the product sold.

b. A licensee must keep the necessary records for a three-year period from the date the record was created.

c. Records must be open to inspection pursuant to Iowa Code section 123.30(1) and may be subject to an administrative subpoena issued by the director.

1000.22(7) *Violations.* Failure to follow this rule shall subject the licensee to the penalty provisions provided in Iowa Code chapter 123.

This rule is intended to implement Iowa Code sections 123.30, 123.33, and 123.49.

701—1000.23(123) Vending and self-service machines to dispense alcoholic beverages.

1000.23(1) *Vending machines.* A retail alcohol licensee is not allowed to install or permit the installation of vending machines on the licensed premises for the purpose of selling, dispensing, or serving alcoholic beverages. A vending machine is defined as a slug-, coin-, currency-, or credit card-operated mechanical device used for dispensing merchandise, including single cans of beer or other alcoholic beverages, and includes but is not limited to a mechanical device operated by remote control and used for dispensing single cans of beer or other alcoholic beverages. A vending machine is not a unit installed in individual hotel or motel rooms used for the storage of alcoholic beverages and intended for the personal use of hotel or motel guests within the privacy of the guests' rooms or a self-service machine registered and used consistent with this rule.

1000.23(2) *Self-service machines.* Retail alcohol licensees may utilize a self-service machine to dispense beer or wine as authorized under the licensee's retail alcohol license. Self-service machines are only authorized to operate on an approved retail alcohol licensed premises and shall not be operated under a catering privilege. For the purposes of this rule, "self-service machine" means any mechanical device capable of dispensing a preprogrammed amount of wine or beer, or both, directly to a consumer in exchange for a service card, wristband, or other token activated by the licensee and provided to the consumer.

a. A retail alcohol licensee seeking to use a self-service machine must register the machine with the department in a manner determined by the director at least 30 days prior to the date the licensee intends to begin use of the machine. The director will review the registration for compliance with the conditions of this rule and approve or disapprove the use of the self-service machine. A licensee must submit a new registration prior to implementing any change to the operational plan or capacity of the device. No self-service machine may be used without approval by the director.

b. The conditions for a retail alcohol licensee to use self-service machines to dispense beer or wine are as follows:

(1) At the time of sale, the retail alcohol licensee, or licensee's employees, must determine the consumer is of legal age and is not intoxicated or simulating intoxication.

(2) During operation, the retail alcohol licensee must adequately monitor the self-service machine so as to prevent the sale or service of beer or wine to persons who are under legal drinking age or are intoxicated or simulating intoxication.

(3) The sale of beer or wine, or both, and the corresponding activation of the service card, wristband, or other token to operate a self-service machine must be conducted in-person by the licensee directly with the consumer and cannot be automated at the machine. This condition includes reactivation of an already-issued service card, wristband, or other token for further use by a consumer.

(4) A self-service machine must not dispense a serving of more than 64 ounces of beer or 24 ounces of wine before reactivation of a service card, wristband, or other token is acquired by the licensee.

(5) A self-service machine must be programmed to automatically deactivate the service card, wristband, or other token after the programmed amount of beer or wine purchased by the consumer has been dispensed.

(6) Service cards, wristbands, or other tokens must be deactivated at the end of each business day. For purposes of this rule, a "business day" means 6 a.m. until 2 a.m. the following calendar day.

(7) A licensee, or the licensee's employees, must have the ability to deactivate a self-service machine and all associated service cards, wristbands, or other tokens remotely at all times.

This rule is intended to implement Iowa Code section 123.49.

701—1000.24(123) Delivery of alcoholic liquor. A person who does not work for the department may operate a delivery service in which the person charges class "E" retail alcohol licensees a fee for picking

up the licensee's alcoholic liquor orders at the department's warehouse and delivering the orders to the licensee's licensed premises.

This rule is intended to implement Iowa Code sections 123.4 and 123.10(10).

701—1000.25(123) Prohibited storage of alcoholic beverages. Retail alcohol licensees may keep or store alcoholic beverages only on the licensed premises. However, the director may authorize the storage of alcoholic beverages on premises other than those covered by the license or permit. The director may allow class "D" retail alcohol licensees to store alcoholic beverages in a bonded warehouse to be consumed in Iowa.

This rule is intended to implement Iowa Code sections 123.4 and 123.10(11).

701—1000.26(123) Sale of alcoholic beverages stock when licensee sells business. When a retail alcohol licensee goes out of business, the licensee may sell the licensee's stock of alcoholic beverages to the person who is going to operate a licensed establishment in the same location.

This rule is intended to implement Iowa Code section 123.10.

701—1000.27(123) Execution and levy on alcoholic beverages. Judgments or orders requiring the payment of money or the delivery of the possession of property may be enforced against retail alcohol licensees, beer permittees, and wine permittees by execution pursuant to the provisions of Iowa Code chapter 626.

1000.27(1) Definitions.

"Debtor," for the purposes of this rule, means the same as defined in Iowa Code section 554.9102(1).

"Secured party," for the purposes of this rule, means the same as defined in Iowa Code section 554.9102(1).

1000.27(2) A secured party may take possession of and dispose of a retail alcohol licensee's or permittee's alcoholic beverages inventory in which the secured party has a security interest in such collateral pursuant to the provisions of Iowa Code chapter 554. The secured party may operate under the retail alcohol license or permit of its debtor for the purpose of disposing of the alcoholic beverages inventory. However, if the debtor is a class "E" retail alcohol licensee, the secured party cannot purchase alcoholic liquor from the department to continue to operate its debtor's business. A secured party operating under the retail alcohol license or permit of its debtor shall dispose of the alcoholic beverages inventory by sale only to persons authorized under Iowa Code chapter 123 to purchase alcoholic beverages inventory from the debtor. When a secured party takes possession of a retail alcohol licensee's or permittee's alcoholic beverages inventory, the secured party must notify the department in writing of such action. A secured party must further inform the department of the manner in which it intends to dispose of the alcoholic beverages inventory and shall state the reasonable length of time in which it intends to operate under the retail alcohol license or permit of its debtor. The secured party must notify the department in writing when the disposition of its collateral has been completed, and the secured party must cease operating under the retail alcohol license or permit of its debtor.

1000.27(3) A sheriff or other officer acting pursuant to Iowa Code chapter 626 may take possession of a retail alcohol licensee's or permittee's alcoholic beverages inventory and may dispose of such inventory according to the provisions of Iowa Code chapter 626; however, the sheriff or other officer must sell the alcoholic beverages inventory only to those persons authorized by Iowa Code chapter 123 to purchase alcoholic beverages inventory from the retail alcohol licensee or permittee whose inventory is subject to the execution and levy. The sheriff or other officer must notify the department in writing at the time the sheriff or officer takes possession of a retail alcohol licensee's or permittee's alcoholic beverages inventory and must further notify the department of the time and place of the sale of such property.

This rule is intended to implement Iowa Code sections 123.4, 123.10, and 123.38.

701—1000.28(123) Dishonored payment for alcoholic liquor.

1000.28(1) If a class "E" retail alcohol licensee tenders payment for alcoholic liquor that is subsequently dishonored, the licensee will enter a certified funds status for a duration determined by the director. During the certified funds status period, the licensee will tender a bank draft in exact payment in advance of the licensee's alcoholic liquor delivery.

1000.28(2) The department may collect from the licensee a $20 fee for each dishonored payment for the purchase of alcoholic liquor.

1000.28(3) Any class "E" retail alcohol licensee that is enrolled in automatic license renewal and tenders payment for alcoholic liquor that is subsequently dishonored will be unenrolled from automatic license renewal.

This rule is intended to implement Iowa Code sections 123.4, 123.24, and 123.35.

701—1000.29(123) Violation by agent or employee. Any violation of the alcoholic beverage control Act or the rules of the department by any employee or agent of a licensee is considered to be the act of the licensee and subjects the licensee to civil penalty, suspension, or revocation.

This rule is intended to implement Iowa Code sections 123.4 and 123.49(2).

701—1000.30(123) Suspension of license or permit.

1000.30(1) *Suspensions by a local authority or the department.* At the time of a license or permit suspension, a placard furnished by the department must be placed in a conspicuous place in the front door or window of the licensed or permitted establishment. The placard must state that the license or permit is suspended, the suspension duration, and the reason for the suspension. No licensee or permittee may remove, alter, obscure, or destroy a suspension placard prior to an ordered suspension's expiration without the express written approval of the department.

1000.30(2) *Effect of suspension.* Alcoholic beverages must not be sold, served, or consumed on a licensed premises during a suspension period. A licensed premises may be open during a suspension period to conduct other lawful business during the suspension period. A retail alcohol licensee must not purchase alcoholic beverages from a wholesaler or the department during the suspension period.

This rule is intended to implement Iowa Code sections 123.4 and 123.39.

701—1000.31(123) Revocation or suspension. When the local authority revokes or suspends a retail alcohol license, the local authority must notify the department in writing stating the reasons for the revocation or suspension and, in the case of a suspension, the length of time of the suspension.

This rule is intended to implement Iowa Code sections 123.4, 123.32, and 123.39.

[Filed 3/14/25, effective 5/7/25]
[Published 4/2/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9086C

REVENUE DEPARTMENT[701]

Adopted and Filed

Rulemaking related to alcohol product management and warehousing

The Department of Revenue hereby adopts new Chapter 1001, "Alcohol Product Management and Warehousing," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 123.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 123.9, 123.10, 123.22, and 123.24.

Purpose and Summary

This chapter is designed for alcoholic liquor suppliers to better understand the requirements surrounding listing, delisting, and maintaining alcoholic liquor product inventory in the state of Iowa. Because this content is currently under the Alcoholic Beverage Division's rules as 185—Chapter 8, that existing chapter is outdated upon implementation of the government realignment in 2023 Iowa Acts, Senate File 514. In a separate rulemaking herein (IAB 4/2/25), 185—Chapter 8 is rescinded, and this rulemaking is readopting the content of that chapter under the Department as 701—Chapter 1001. Additionally, this rulemaking is intended to make the changes required by Executive Order 10 to remove portions of the rules that the Department determined are unnecessary, outdated, or duplicative of statutory language. The Department's bailment fee was also adopted in this chapter to comply with Iowa Code section 17A.6C.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 5, 2025, as **ARC 8725C**. Public hearings were held on the following date(s):

- February 25, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 7, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 701—Chapter 1001:

CHAPTER 1001
ALCOHOL PRODUCT MANAGEMENT AND WAREHOUSING

701—1001.1(123) Definitions.

"Category" means the classification of an alcoholic liquor product, such as rum, vodka, or whiskey.

"Delist" means the removal of products from the department's product inventory.

"Department" means the department of revenue.

"Director" means the director of the department of revenue or the director's designee.

"Product" means stock keeping units of alcoholic liquor or native distilled spirits as defined in Iowa Code chapter 123.

"Supplier" means a manufacturer, distiller, or importer of alcoholic liquors or native distilled spirits shipping, selling, or having such alcoholic beverages brought into this state for resale by the department.

701—1001.2(123) Listing classifications. Each product available for sale by the department will be assigned to one of the following listing classifications. Suppliers may indicate their preferred listing classification; however, final determination will be made by the director.

1001.2(1) *Permanent.* Products with a permanent listing will be available for sale by the department on an ongoing basis, unless otherwise delisted or temporarily out of stock.

1001.2(2) *Temporary.* Temporary listings will have a duration determined by the director and may be extended at the discretion of the director.

1001.2(3) *Size extension.* A supplier must submit a product quote for each additional size of a product that is currently listed for sale. All listed sizes of the product should meet sales criteria established by the director in order for a size extension product quote to be approved as a permanent listing.

1001.2(4) *Special order.* Products that are not currently listed for sale by the department may be purchased through a special order placed with the supplier of the product.

a. A request for a special order will be placed with the department by a class "E" retail alcohol licensee. Special order requests may be submitted electronically or in a manner prescribed by the director. The director may reject a special order request if it is determined that the requested product is in violation of the requirements set out in paragraph 1001.3(3)*"a."*

b. If the department accepts a special order request, the request will be forwarded on to the supplier of the product. The supplier may approve or deny the special order request.

c. Special order products may only be sold and distributed by the department to class "E" retail alcohol licensees by the case.

d. Special order products are not eligible for return to the department by a class "E" retail alcohol licensee without approval from the director.

1001.2(5) *Special order on hand.* Products that are frequently sold as special orders may be listed as special order on hand.

a. To be eligible for classification as a special order on-hand listing, a product must have been previously sold as a special order and meet sales criteria established by the director.

b. Products that have been delisted are not eligible to be moved from permanent listing to special order on-hand listing.

1001.2(6) *Highly allocated.* Highly allocated products are products of a limited supply as determined by the supplier.

a. Highly allocated products may be sold via a lottery system as deemed necessary by the director.

b. Highly allocated products are not available for sale as special orders.

1001.2(7) *Quantity limitations.* Quantities of listed products available for purchase by class "E" retail alcohol licensees may be limited at the director's discretion.

701—1001.3(123) Product quote listing requests. The supplier of a product to be sold by the department must submit a product quote for consideration by the director.

1001.3(1) *Submitting a product quote.* Product quotes must be submitted electronically or in a manner prescribed by the director.

1001.3(2) *Product quote requirements.*

a. A complete product quote contains the following information:

(1) A control state code number for the product issued by the National Alcohol Beverage Control Association.

(2) The supplier's freight on board (FOB) cost per case. The case price needs to be evenly divisible by the number of bottles in the case. The supplier determines the number of bottles that form a case for the product.

(3) The product's case quantity size and standard of fill.

(4) An image of the product.

(5) A brief description of the product.

(6) The weights and dimensions of the product container, case, and pallet.

(7) The product's 14-digit shipping container code.

(8) The product's universal product code.

(9) Any other information deemed necessary by the director.

b. The director may require a supplier to conduct a listing presentation for products to become listed.

1001.3(3) *Decisions.*

a. The criteria used to determine whether a product quote may be approved or denied will include but not be limited to the following:

(1) Whether the product violates the code of responsible practices established by the Distilled Spirits Council of the United States.

(2) The reasonable potential of the product to unduly jeopardize the welfare, health, peace, morals, or safety of the people of the state.

b. The director shall approve or deny a product quote not more than 20 business days from the date the product quote was submitted or the listing presentation was held, as applicable. Suppliers will be notified of the decision in writing delivered electronically or in a manner prescribed by the director.

1001.3(4) *Appeal to the director.*

a. A supplier may appeal the denial of a product quote to the director. A notice of appeal needs to be filed within 30 calendar days of the date of denial.

b. A notice of appeal must be in writing and must specify the findings or conclusions to which exception is taken, the relief sought, and the grounds for relief.

c. A notice of appeal will be considered filed at the time it is received by the director.

d. The director shall affirm, reverse, or modify the denial of the product quote and shall notify the supplier of the decision in writing.

e. The director's decision constitutes final agency action for the purposes of Iowa Code chapter 17A.

1001.3(5) *Resubmission of a product quote.* If a product quote is denied, the supplier may submit a new request three months after the original request denial date.

1001.3(6) *Moratorium.* The director may implement a moratorium on new permanent listing product quotes and determine the duration period. The director may allow a supplier to trade out a permanently listed product for a new product during a moratorium period.

701—1001.4(123) Shipment of product to the department. Shipments of product intended for sale by the department may only be made in accordance with this rule.

1001.4(1) *Product shipments into the state.* Product shipments may only be made into the state of Iowa by suppliers.

1001.4(2) *Product shipment locations.* Product shipments may only be made to a state warehouse or to receiving points designated by the director.

1001.4(3) *Product shipment deliveries.* Product shipments may only be delivered by methods as determined by the director. Shipments that do not adequately meet the delivery requirements may be refused upon arrival.

1001.4(4) *Pallet requirements.*

a. The department will only accept products shipped on securely stretch-wrapped pallets that are in good repair.

b. The department will not accept any products shipped on slip sheets. Suppliers will be notified by the department to make arrangements to pick up product shipped on slip sheets.

c. The department will not accept pallets that contain multiple product stock keeping units not separated by a pallet layer.

d. The director may establish additional requirements as deemed necessary.

1001.4(5) *Case labeling requirements.*

a. Each case of product shipped to the department must include a case code label placed on an end panel of the case.

b. The case code label needs to contain the following information:

(1) The control state code number issued by the National Alcohol Beverage Control Association for the product.

(2) The product's universal product code and corresponding barcode.

(3) The 14-digit shipping container code and corresponding barcode. The shipping container code and barcode needs to meet the minimum requirements established by the American National Standards Institute and the International Organization for Standardization.

(4) Any other information deemed necessary by the director.

1001.4(6) *Bottle deposit requirements.*

a. All products intended for resale by the department must meet the requirements of Iowa Code section 455C.5 and rule 567—107.3(455C). Products that do not meet the requirements will not be made available for sale until the requirements are met.

b. Suppliers may purchase bottle deposit refund stickers from the department. The cost of the stickers to suppliers cannot exceed the department's cost of producing and distributing the stickers.

1001.4(7) *Product shipment special handling charges.* Product shipments that do not meet the requirements of subrule 1001.4(4), 1001.4(5), or 1001.4(6) will result in the assessment of special handling charges against the supplier. The amount of charges will not exceed the department's actual cost to bring the shipments into compliance. The department's actual cost is determined using the negotiated hourly rate of the third party the department has contracted with for warehousing services.

701—1001.5(123) Importation of product into the state for manufacturing purposes. Shipments of product intended for manufacturing purposes may only be made in accordance with this rule.

1001.5(1) *Product shipments into the state.* Product shipments may only be made into the state of Iowa by suppliers with an appropriate certificate of compliance to manufacturers who have obtained prior approval from the director.

1001.5(2) *Product shipment locations.* Product shipments may only be made to a state warehouse or to receiving points designated by the director.

1001.5(3) *Recordkeeping.* All records related to the importation of product into the state will be maintained on the licensed premises for a period of three years and must be open to inspection pursuant to Iowa Code section 123.33. In accordance with Iowa Code sections 123.98 and 123.101, records will include all product received for each supplier, date received, and an accounting of disposition of all product received.

701—1001.6(123) Inventory levels. The director will establish maximum and minimum inventory levels for each listed product. The director may adjust the maximum and minimum inventory levels.

1001.6(1) *Purchase orders.* Suppliers shall submit purchase orders to the department to maintain proper inventory levels. Purchase orders will be submitted electronically or in a manner prescribed by the director.

1001.6(2) *Maximum inventory levels.* The department will contact suppliers with product exceeding maximum inventory levels to have the supplier pick up the excess inventory.

1001.6(3) *Maximum inventory level exception.* A supplier may request from the department an exception to the established maximum inventory level for a product. Requests for a maximum inventory level exception will be submitted to the department electronically or in a manner prescribed by the director. The director will approve or deny the request and notify the supplier of the decision electronically or in a manner prescribed by the director.

701—1001.7(123) Pricing.

1001.7(1) *Permanent price changes.* Suppliers may make permanent price changes to the case cost of products in any listing classification.

a. The frequency at which permanent price changes may be made will be determined by the director.

b. Permanent price changes shall be submitted electronically, or in a manner prescribed by the director, at least 20 business days prior to the effective date.

1001.7(2) *Temporary price reductions.* Suppliers may make temporary price reductions to the case cost of products with a permanent or temporary listing classification.

a. Products with a listing classification of special order, special order on hand, or highly allocated are not eligible for temporary price reductions.

b. Temporary price reductions will become effective as determined by the director.

c. Temporary price reductions will be submitted electronically, or in a manner prescribed by the director, at least 20 business days prior to the effective date.

1001.7(3) *Price lists.* The department shall publish a price list electronically on a monthly basis showing the price to be paid by class "E" retail alcohol licensees for each brand, variety, and category of product available for sale by the department. The price list will be published on the department's website at shop.iowaabd.com and may be distributed to class "E" retail alcohol licensees as deemed necessary by the director.

701—1001.8(123) Delisting. Listed products that do not meet sales guidelines established by the director may be delisted. The frequency of delisting is determined by the director.

1001.8(1) *Notification.* The director must notify suppliers of the decision to delist a product. The suppliers will be notified of the decision in writing electronically or in a manner prescribed by the director.

1001.8(2) *Appeal to the director.*

a. A supplier may appeal the delisting of a product to the director. A notice of appeal needs to be filed within 30 calendar days of the date of delisting notification.

b. A notice of appeal shall specify the findings or conclusions to which exception is taken, the relief sought, and the grounds for relief.

c. A notice of appeal shall be considered filed at the time it is received by the director.

d. The director shall affirm, reverse, or modify the delisting and shall notify the supplier of the decision in writing.

e. The director's decision constitutes final agency action for the purposes of Iowa Code chapter 17A.

1001.8(3) *Removal of delisted products.*

a. Delisted products shall be removed from the department's warehouse by the supplier or by the supplier's agent within a time frame established by the director.

b. A supplier may authorize the department to destroy a delisted product in lieu of removal of the product by the supplier from the department's warehouse.

c. New product quotes submitted by a supplier will not be considered by the department until all of the supplier's delisted product has been removed from the department's warehouse.

1001.8(4) *Resubmission of a delisted product for listing.* If a product in a permanent listing classification is delisted, a new product quote for the product may be submitted not less than six months after the date the product was removed from the warehouse.

701—1001.9(123) Barrel programs. A supplier may offer a barrel program, allowing a class "E" retail alcohol licensee to purchase the bottled contents of a barrel-aged product along with the aging barrel.

1001.9(1) Barrel programs must be uniformly offered to all class "E" retail alcohol licensees.

1001.9(2) Suppliers may sample barrel-aged products pursuant to rule 701—1003.7(123).

1001.9(3) Barrel program products shall be classified as special orders.

1001.9(4) Products purchased as part of a barrel program must be sold and delivered to the class "E" retail alcohol licensee that placed the special order. Barrel program products must not be split between two or more class "E" retail alcohol licensees.

1001.9(5) Aging barrels sold in conjunction with a barrel program must bear conspicuous and substantial advertising matter.

1001.9(6) Bottles from a barrel program may bear customized labels.

701—1001.10(123) Bailment system. Suppliers are paid for their product once it is sold by the department to class "E" retail alcohol licensees.

1001.10(1) *Bailment agreement.* A supplier shall consent to the department's bailment system by signing a bailment agreement prior to listing a product for sale in Iowa.

1001.10(2) *Bailment fee.* The department shall charge suppliers a bailment fee in the amount of $1 per case of product sold or in a corresponding rate for the portion of a case sold.

These rules are intended to implement Iowa Code sections 123.10(2), 123.10(3), 123.10(6), 123.10(10), and 123.22.

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[Published 4/2/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9087C

REVENUE DEPARTMENT[701]

Adopted and Filed

Rulemaking related to personal importation of alcoholic beverages

The Department of Revenue hereby adopts new Chapter 1002, "Personal Importation of Alcoholic Beverages," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 123.10(13).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 123.10, 123.22, 123.59, 123.122, and 123.171.

Purpose and Summary

This chapter describes the requirements surrounding the procedures for the issuance of a waiver for an individual of legal age desiring to import alcoholic beverages in excess of the amount provided in Iowa Code sections 123.22, 123.122, and 123.171. Because this content is currently under the Alcoholic Beverage Division's rules as 185—Chapter 9, that existing chapter is outdated upon implementation of the government realignment in 2023 Iowa Acts, Senate File 514. In a separate rulemaking herein (IAB

4/2/25), 185—Chapter 9 is rescinded, and this rulemaking is readopting the content of that chapter under the Department as 701—Chapter 1002. Additionally, this rulemaking is intended to make the changes required by Executive Order 10 to remove portions of the rules that the Department determined are unnecessary, outdated, or duplicative of statutory language.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 5, 2025, as **ARC 8724C**. Public hearings were held on the following date(s):

- February 25, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 7, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 701—Chapter 1002:

CHAPTER 1002
PERSONAL IMPORTATION OF ALCOHOLIC BEVERAGES

701—1002.1(123) Tax liability. The requester has the sole responsibility to ensure that all tax obligations to the department are met. Tax worksheet 32-007 found at revenue.iowa.gov/forms must be accurately completed and sent to the department as instructed.

701—1002.2(123) Personal importation in excess of the amounts provided—waiver. Persons seeking a waiver to import alcohol pursuant to Iowa Code section 123.10(13) must submit a completed and accurate personal importation form provided at revenue.iowa.gov/forms.

1002.2(1) *Domicile.* Domicile, for the purposes of establishing when an individual is "domiciled outside the state," shall be determined in accordance with rule 701—300.17(422).

1002.2(2) *Additional information.* Prior to granting or denying a request for a waiver, the department may request additional information from the requester relative to the request and surrounding circumstances and may conduct an investigation as the director deems necessary to verify the accuracy of the information.

1002.2(3) *Ruling.* A letter granting or denying a request for a waiver to import alcoholic beverages in excess of the amount provided in Iowa Code section 123.22, 123.122, or 123.171 shall be in writing and contain a description of the precise scope and duration of the waiver if one is issued.

1002.2(4) *Duration of waiver.* A waiver issued pursuant to this rule shall allow only for the importation of the inventory of alcoholic beverages detailed on the request for import authorization form. If a waiver is granted, there is no automatic right to renewal.

1002.2(5) *Public availability.* The department shall maintain a record of all waivers granted or denied under this rule. Waiver forms and rulings shall be open to the public; information that the department is authorized or required to keep confidential shall be edited prior to public inspection.

1002.2(6) *Cancellation.* A waiver issued by the department pursuant to this rule may be withdrawn, canceled, or modified if, after appropriate notice, the department finds any of the following:

a. The requester withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

b. The recipient of the waiver failed to comply with any of the conditions contained in the waiver.

1002.2(7) *Violations.* Violation of a condition in a waiver is equivalent to a violation of Iowa Code section 123.10, 123.22, 123.122, or 123.171, as applicable. The recipient of a waiver under this rule who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the applicable Iowa Code section.

1002.2(8) *Defense.* After the department grants a waiver under this rule, the waiver is a defense within its terms and the specific facts indicated therein for the recipient of the waiver in any proceedings in which the waiver in question is sought to be invoked.

1002.2(9) *Appeals.* Granting or denying a request for a waiver is final agency action under Iowa Code chapter 17A.

These rules are intended to implement Iowa Code sections 123.10, 123.22, 123.59, 123.122, and 123.171.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9088C

REVENUE DEPARTMENT[701]

Adopted and Filed

Rulemaking related to trade practices

The Department of Revenue hereby adopts new Chapter 1003, "Trade Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 123.10 and 123.186.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 123.10, 123.45, and 123.186.

Purpose and Summary

This chapter describes the regulations that govern allowable and prohibited trade practice activity among alcohol manufacturers, wholesalers, and retailers in the areas of tied house, exclusive outlets, commercial bribery, and consignment sales. This chapter was recently amended in **ARC 7028C**, IAB 5/31/23; therefore, very few changes have been made in this rulemaking. However, because this content is currently under the Alcoholic Beverages Division's rules as 185—Chapter 16, that existing chapter is outdated upon implementation of the government realignment in 2023 Iowa Acts, Senate File 514. In a separate rulemaking herein (IAB 4/2/25), 185—Chapter 16 is rescinded, and this rulemaking is readopting the content of that chapter under the Department as 701—Chapter 1003.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 5, 2025, as **ARC 8723C**. Public hearings were held on the following date(s):

- February 25, 2025

No one attended the public hearings. No public comments were received. One change from the Notice has been made. Subparagraphs 1003.6(2)"a"(4) and 1003.6(2)"a"(5) were revised to clarify where industry members may obtain alcoholic beverages for tastings that occur on a licensed premises. This change aligns with current Department practices and will provide clarity to industry members.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 14, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 7, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 701—Chapter 1003:

CHAPTER 1003
TRADE PRACTICES

The rules in this chapter, adopted pursuant to Iowa Code section 123.186, apply to transactions between industry members, trade buyers and retailers. The rules specify practices considered to be fair

and allowable as well as practices deemed to be unfair or inducements. This chapter does not exempt any industry member, trade buyer or retailer from the requirements of any federal law or regulation.

PART I

As used in this chapter, the words, terms and phrases defined in this part shall apply, unless a different meaning is clearly indicated by the context.

701—1003.1(123) Definitions.

"Alcoholic liquor" means the same as defined in Iowa Code section 123.3(4). For the purposes of this chapter, "alcoholic liquor" includes "native distilled spirits" as defined in Iowa Code section 123.3(34).

"Beer" means the same as defined in Iowa Code section 123.3(6). For the purposes of this chapter, "beer" includes "canned cocktail" as defined in Iowa Code section 123.3(10) and "high alcoholic content beer" as defined in Iowa Code section 123.3(22).

"Brand" means each alcoholic liquor, wine, or beer packaged and sold under a separate name, class, type, or kind designation (wine appellation of origin, wine vintage date, alcoholic liquor age, percentage of alcohol, etc.).

"Department" means the department of revenue.

"Equipment" includes but is not limited to mechanized and nonmechanized refrigeration units and devices used in the storage, dispensing, and cooling of alcoholic liquor, wine and beer, tap boxes, party wagons, dispensing systems, and shelving. Equipment does not include tapping accessories (including faucets, rods, vents, taps, hoses, washers, couplings, gas gauges, vent tongues, shanks, check valves, and picnic pumps) that are used in dispensing wine or beer from kegs or bulk packaging.

"Exclusion," in whole or in part, means a practice by an industry member, whether direct, indirect, or through an affiliate, that places (or has the potential to place) retailer independence at risk by means of a tie or link between the industry member and retailer or by any other means of industry member control over the retailer, and such practice results in the retailer's purchasing less than it would have of a competing industry member's product. The following criteria are indications that a particular practice places retailer independence at risk. A practice need not meet all of the criteria specified below in order to place retailer independence at risk.

1. The practice restricts or hampers the free economic choice of a retailer to decide which products to purchase or the quantity in which to purchase them for sale to consumers.
2. The industry member obligates the retailer to participate in a promotion to obtain the industry member's product.
3. The retailer has a continuing obligation to purchase or otherwise promote the industry member's product.
4. The retailer has a commitment not to terminate its relationship with the industry member with respect to purchase of the industry member's products.
5. The practice involves the industry member in the day-to-day operations of the retailer. For example, the industry member controls the retailer's decisions on which brand of products to purchase, the pricing of products, or the manner in which the products will be displayed on the retailer's premises.
6. The practice is discriminatory in that it is not offered to all retailers in the local market on the same terms without business reasons present to justify the difference in treatment.

"Fixtures" includes but is not limited to bar sinks, bars, light fixtures, and indoor or outdoor signs used to identify the retail establishment.

"Furnishings" includes but is not limited to money, services, chairs, tables, lamps, pictures, remodeling costs, bar sinks, carpeting, bar stools, display cabinets and curios, linens, linen services, china and silver or stainless steel eating and other utensils, decorations, and sound systems used by a retailer. (Durable and disposable glassware is addressed in rule 701—1003.4(123).)

"Furnishings, fixtures and equipment" does not include the items identified in rule 701—1003.2(123), subrules 1003.3(1) and 1003.3(2), rule 701—1003.4(123), rule 701—1003.5(123), rule 701—1003.6(123), or paragraph 1003.12(2)*"a."*

"Industry member" means an alcoholic beverages manufacturer, including a distiller, vintner or brewer, bottler, importer, wholesaler, representative, broker, agent, officer, director, shareholder not considered an institutional investor as defined in Iowa Code section 123.3(27), partner or employee of each of the above.

"Product" means alcoholic liquor, wine, or beer as defined in Iowa Code chapter 123.

"Retailer" means the holder of an alcoholic beverages license, agents, officers, directors, shareholders not considered institutional investors as defined in Iowa Code section 123.3(27), partners, and employees who sell alcoholic liquor, wine or beer to consumers for consumption on or off the premises of the licensee.

"Sampling" means the practice of industry members giving product to a retailer for the purpose of market research, education, promotion of the product, or determination of the flavor of the product.

"Tasting" means the presentation and serving of a product by industry members or retailers to consumers for the purpose of market research, education, promotion of the product, or determination of the flavor of the product.

"Trade buyer" means a person who is a wholesaler or retailer of alcoholic liquor, wine, or beer.

"Trade spending" means the practice of industry members promoting their brand by purchasing alcoholic beverages for consumers where alcoholic beverages are sold and served for on-premises consumption.

"Wine" means the same as defined in Iowa Code section 123.3(53). For the purposes of this chapter, "wine" includes "native wine" as defined in Iowa Code section 123.3(36).

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

PART II

The rules in this part specify industry member practices that are allowed under the conditions and within the limitations prescribed. The rules apply to transactions between industry members and retailers.

701—1003.2(123) Product displays.

1003.2(1) Except as otherwise provided in this rule, an industry member is prohibited, directly or indirectly, from inducing a retailer to purchase any products from the industry member to the exclusion, in whole or in part, of products sold or offered for sale by other industry members by any of the following means:

a. Renting, leasing, or buying display space from a retailer.

b. Paying a retailer to set up a display.

c. Giving a special price on the products featured in the display or other products sold by the industry member.

d. Providing free merchandise to a retailer in return for a display.

1003.2(2) An industry member may give, furnish, sell, rent or loan product displays, such as wine racks, bins, barrels, casks and portable, disposable shelving from which alcoholic beverages are displayed and sold, provided that the product display bears conspicuous and substantial advertising matter on the product or the industry member that is permanently inscribed or securely affixed. The name and address of the retailer may appear on the product display. A product display is prohibited if it has secondary value to the retailer, for other than advertising purposes. An industry member is prohibited from requiring a retailer to purchase a specific quantity of alcoholic liquor, wine or beer in order to receive a product display.

1003.2(3) The total value of all product displays may not exceed $300 per brand at any one time in any one retail establishment. The value of the product display is the industry member's original cost of the item.

1003.2(4) Industry members may not pool or combine their dollar limitations in order to provide a retailer with a product display that exceeds $300. Industry members are prohibited from pooling or combining several brands to provide a retailer with a product display that exceeds $300.

1003.2(5) An industry member shall keep and maintain records in accordance with rule 701—1003.16(123).

This rule is intended to implement Iowa Code section 123.186.

701—1003.3(123) Retailer advertising utensils, consumer advertising specialties, and retailer wearing apparel.

1003.3(1) *Retailer advertising utensils.*

a. An industry member may supply, give, or sell retailer advertising utensils that are primarily valuable as point-of-sale advertising intended for use on the premises of the retail establishment. Such materials include but are not limited to posters, placards, designs, inside signs (electric, mechanical or otherwise), billboards, window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars, and alcoholic beverage lists or menus.

b. All retailer advertising utensils must bear conspicuous and substantial advertising matter about the product or the industry member that is permanently inscribed or securely affixed. The name and address of the retailer may appear on the point-of-sale advertising materials.

c. An industry member shall not pay or credit a retailer, directly or indirectly, for using retailer advertising utensils or for any expense incidental to their use.

1003.3(2) *Consumer advertising specialties.*

a. An industry member may furnish, give, or sell consumer advertising specialties to a retailer for unconditional distribution by the retailer to consumers. Consumer advertising specialties may include such items as nonalcoholic mixers, bottle or can openers, corkscrews, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, pens or pencils, shirts, caps, and visors.

b. Consumer advertising specialties must bear conspicuous and substantial advertising matter about the product or the industry member that is permanently inscribed or securely affixed.

c. An industry member shall not pay or credit a retailer, directly or indirectly, for distributing consumer advertising specialties or for any expense incidental to their use. There is no dollar limitation on consumer souvenirs.

d. In the event a consumer advertising specialty also advertises a local event not sponsored by the retailer, the consumer advertising specialty need only be offered by the industry member to the retailers within the local community where the event is held.

1003.3(3) *Retailer wearing apparel.* An industry member may sell wearing apparel, including sweatshirts, T-shirts, pants, shorts, hats, caps, polo-type shirts, jackets, jerseys and other similar clothing, that bears substantial permanently affixed advertising identifying the industry member's name or products to a retailer for use by the retailer and the retailer's employees at not less than the industry member's laid-in cost of the items. There is no dollar limitation on wearing apparel that may be sold by an industry member to a retailer.

1003.3(4) *Recordkeeping.* An industry member shall keep and maintain records in accordance with rule 701—1003.16(123).

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

701—1003.4(123) Glassware.

1003.4(1) *Disposable beer or wine glassware.*

a. An industry member engaged in the manufacturing or wholesaling of beer or wine may sell disposable glassware (including foam, paper and one-use plastic cups) to a retailer.

b. An industry member engaged in the manufacturing or wholesaling of beer or wine is prohibited from selling disposable glassware to a retailer at less than the industry member's laid-in cost of the disposable glassware.

1003.4(2) *Commemorative beer or wine glassware.*

a. An industry member engaged in the manufacturing or wholesaling of beer or wine may sell commemorative glassware that bears substantial advertising matter identifying the industry member or the industry member's product to off-premises retailers for resale to consumers.

b. An industry member engaged in the manufacturing or wholesaling of beer or wine is prohibited from selling commemorative glassware to off-premises retailers at less than the industry member's laid-in cost.

1003.4(3) *Durable or disposable alcoholic liquor glassware.*

a. An industry member engaged in the manufacturing or wholesaling of alcoholic liquor may sell durable or disposable (including foam, paper or one-use plastic cups) glassware to a retailer. The glassware must bear advertising matter that identifies the industry member or the industry member's product.

b. An industry member engaged in manufacturing or wholesaling alcoholic liquor is prohibited from selling durable or disposable glassware to a retailer at less than the industry member's laid-in cost of the disposable or durable glassware.

1003.4(4) *Recordkeeping.* An industry member shall keep and maintain records in accordance with rule 701—1003.16(123).

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

701—1003.5(123) Tapping accessories and coil cleaning service.

1003.5(1) *Tapping accessories.*

a. An industry member may sell tapping accessories, identified in rule 701—1003.1(123), and carbon dioxide to a retailer at not less than the industry member's laid-in cost.

b. An industry member may install tapping accessories at a retail establishment provided the retailer bears the cost of initial installation.

1003.5(2) *Coil cleaning service.* An industry member may sell, furnish or give wine and beer coil cleaning services, including carbon dioxide filters and other necessary accessories to properly clean the coil and affix carbon dioxide filters, to a retailer. The manufacturer shall be responsible for paying for the costs if carbon dioxide filters are provided.

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

701—1003.6(123) Tasting.

1003.6(1) *Restrictions.*

a. The amount of product served per person during a tasting shall be limited to the following:

(1) No more than two one-half-of-one-fluid-ounce tastes of any brand of alcoholic liquor.

(2) No more than two one-fluid-ounce tastes of any brand of wine.

(3) No more than two two-fluid-ounce tastes of any brand of beer.

(4) No more than two two-fluid-ounce tastes of a mixed drink or cocktail as defined in Iowa Code section 123.3.

b. Product shall not be served to, or allowed to be consumed by, any consumer who is under legal age, intoxicated, or simulating intoxication.

c. Product served during a tasting shall not be served by persons under 18 years of age.

d. Product served by an industry member shall be limited to the brands the industry member represents.

1003.6(2) *Tastings conducted by an industry member.* An industry member may conduct a tasting on licensed and unlicensed premises, subject to the requirements and restrictions provided in this rule.

a. Licensed premises.

(1) A tasting may be conducted on licensed premises where alcoholic beverages are sold or served.

(2) A tasting shall be limited to the types of alcoholic beverages available for purchase as authorized by the license or permit.

(3) A tasting shall be held during the hours in which alcoholic beverages may be legally sold or served.

(4) An industry member may provide snack foods or hors d'oeuvres for the participants at the tasting. An industry member may also purchase food at no more than the ordinary retail price from the license or permit holder on whose premises the tasting is being held.

(5) Product served during a tasting shall either be obtained from the respective wholesaler or purchased at no more than the ordinary retail price from the license or permit holder on whose premises the tasting is being held.

(6) Any product or food remaining at the end of a tasting shall be removed from the licensed premises by the industry member.

b. Unlicensed premises.

(1) A tasting of wine or beer may be conducted in an unlicensed public place unless prohibited by Iowa Code section 123.46(2) or an applicable ordinance or regulation of the local authority.

(2) A tasting of alcoholic liquor, wine, or beer may be conducted in an unlicensed private place as defined in Iowa Code section 123.3.

(3) A tasting of alcoholic liquor is prohibited in an unlicensed public place.

(4) Wine and beer served during a tasting shall be obtained from the respective wholesaler.

(5) An industry member may provide snack foods or hors d'oeuvres for the participants at the tasting.

(6) Any product or food remaining at the end of a tasting shall be removed from the premises by the industry member.

1003.6(3) *Tastings conducted by a retailer.* A retailer licensed or permitted for on- or off-premises consumption may conduct a tasting, subject to the requirements and restrictions provided in this rule.

a. Product served during a tasting shall be served by a retailer, the retailer's employees or agents, or an industry member who has the explicit consent of the retailer.

b. A tasting shall be limited to the types of alcoholic beverages available for purchase as authorized by the license or permit.

c. A tasting shall be held during the hours in which alcoholic beverages may be legally sold or served.

d. Product served during a tasting shall be legally obtained by the retailer as prescribed by Iowa Code chapter 123.

e. An off-premises license holder may conduct a tasting when there is no charge for product or access.

f. Food may be provided by the retailer for the participants of a tasting.

1003.6(4) *Recordkeeping.* An industry member shall keep and maintain records in accordance with rule 701—1003.16(123).

This rule is intended to implement Iowa Code section 123.186.

701—1003.7(123) Sampling.

1003.7(1) *Conditions.* An industry member may give product to a retailer who has not purchased the brand from that industry member within the preceding 12 months.

1003.7(2) *Quantity.* Product given to a retailer shall not exceed the following amounts within a calendar year.

a. Three liters of any brand of alcoholic liquor.

b. Three liters of any brand of wine.

c. Three gallons of any brand of beer.

1003.7(3) *Procurement.* An industry member shall obtain alcoholic liquor, wine, or beer used for sampling from the respective wholesaler. If a particular product is not available in a size within the quantity limitations of this section, an industry member may provide to a retailer the next larger size.

1003.7(4) *Identification.* Each container of product used for sampling shall be clearly marked with the word "SAMPLE". The marking shall not obscure the label of the container.

1003.7(5) *Recordkeeping.* An industry member shall keep and maintain records in accordance with rule 701—1003.16(123).

This rule is intended to implement Iowa Code section 123.186.

701—1003.8(123) Trade spending. An industry member may engage in the practice of trade spending.

1003.8(1) *Advertising.* Trade spending shall be unannounced and unpublicized.

1003.8(2) *Quantity.* The industry member shall be limited to purchasing one round of alcoholic beverages or nonalcoholic beverages for patrons of an on-premises retailer.

1003.8(3) *Payment.* The industry member shall pay the retailer no more than the ordinary retail price for the alcoholic beverage or nonalcoholic beverage.

1003.8(4) *Recordkeeping.* An industry member shall keep and maintain records in accordance with rule 701—1003.16(123).

This rule is intended to implement Iowa Code section 123.186.

701—1003.9(123) Discounts. An industry member is prohibited from refusing to give a retailer a discount that is offered to other retailers in the market area, even though the retailer declines to reduce the price to the consumer during the discount period, or to advertise the industry member's product during the promotion period.

This rule is intended to implement Iowa Code sections 123.135(4) and 123.180(4).

701—1003.10(123) Combination packaging. An industry member may package and distribute alcoholic liquor, wine, or beer in combination with other nonalcoholic items or products.

1003.10(1) Combination packages shall not have secondary value to the retailer other than having the potential of attracting purchasers and promoting sales.

1003.10(2) Combination packages shall be designed to be delivered intact to the consumer.

1003.10(3) Industry members who sell alcoholic liquor to the department must comply with the department's policies regarding combination packaging.

This rule is intended to implement Iowa Code section 123.186.

701—1003.11(123) Consumer promotions.

1003.11(1) *Coupons.* The act by an industry member of furnishing to consumers coupons that are redeemable at a retail establishment does not constitute a means to induce provided the following conditions are met:

a. All retailers within the market where the coupon offer is made may redeem such coupons.

b. An industry member may not reimburse a retailer for more than the face value of all coupons redeemed, plus a usual and customary handling fee for the redemption of coupons.

1003.11(2) *Direct offerings.* Contest prizes, premium offers, refunds, and like items may be offered by industry members directly to consumers. Officers, employees, and representatives of wholesalers or retailers are excluded from participation.

This rule is intended to implement Iowa Code section 123.186.

701—1003.12(123) Advertising, display or distribution service.

1003.12(1) *Prohibition.* The act of an industry member paying or crediting a retailer, directly or indirectly, for any advertising, display, or distribution service is prohibited if the act results in exclusion. Such acts include but are not limited to the following:

a. Making payments or credits to retailers that are merely reimbursements, in full or in part, for such services purchased by a retailer from a third party.

b. Directly or indirectly sharing the cost of an advertisement with a retailer.

c. Purchasing advertising from a retailer on such things as but not limited to signs, scoreboards, programs, scorecards, and tote boards in ballparks, stadiums, auditoriums, racetracks, arenas, bowling alleys and all other retail establishments.

d. Purchasing advertising in a retailer publication for distribution to consumers or the general public.

e. Providing reimbursements to retailers for setting up product or other displays.

f. Paying the retailer via a promotion where the industry member rents display space at a retail establishment.

1003.12(2) *Exceptions.*

a. Newspaper cuts, mats, or engraved blocks for use in retailers' advertisements may be given or sold by an industry member to a retailer selling the industry member's products.

b. An industry member may list the names and addresses of two or more unaffiliated retailers selling the products of an industry member in an advertisement of that industry member provided all of the following conditions are met:

(1) The advertisement does not also contain the retail price of the product.

(2) The listing is the only reference to the retailers in the advertisement and is relatively inconspicuous in relation to the advertisement as a whole.

(3) The advertisement does not refer only to one retailer or only to retail establishments controlled directly or indirectly by the same retailer.

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

701—1003.13(123) Stocking and product rotation.

1003.13(1) *Allowable activities.*

a. An industry member may stock, rotate, and reset alcoholic liquor, wine or beer sold by the industry member.

b. An industry member may affix prices to alcoholic liquor, wine or beer sold by the industry member at the time of delivery, provided that the retailer independently determines the price of the alcoholic liquor, wine and beer.

c. An industry member may build product displays either at the time of delivery or at other times.

d. An industry member may provide a retailer with a recommended shelf plan or shelf schematic for alcoholic liquor, wine, and beer.

1003.13(2) *Prohibited activities.*

a. An industry member may not reset or rearrange another industry member's products without the explicit consent of the retailer.

b. An industry member is prohibited from removing another industry member's point-of-sale advertising matter.

This rule is intended to implement Iowa Code section 123.186.

701—1003.14(123) Sponsorships and special events.

1003.14(1) An industry member may contribute to charitable, civic, religious, fraternal, educational and community entities.

1003.14(2) If such entity is conducting a special event as a retailer or in conjunction with a retailer, an industry member's contribution shall not induce the retailer, directly or indirectly, to purchase any products from the industry member to the exclusion, in whole or in part, of products sold or offered for sale by other industry members at the special event.

1003.14(3) An industry member shall keep and maintain records in accordance with rule 701—1003.16(123).

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

701—1003.15(123) Participation in educational seminars and retail association activities.

1003.15(1) *Educational seminars.* An industry member may give or sponsor educational seminars for employees of retailers either at the industry member's premises or at the retail establishment regarding such topics as use of a retailer's equipment, training seminars for employees of retailers, and tours of alcoholic beverages manufacturing facilities; however, an industry member is prohibited from paying a retailer's expenses or compensating a retailer for attending such seminars and tours.

1003.15(2) *Retail association activities.* An industry member may participate in retail association activities in the following manner:

a. Display its products at a trade show or convention.

b. Rent display booth space provided that the rental fee is not excessive and is the same paid by all exhibitors.

c. Provide hospitality for the persons attending the trade show or convention. The hospitality provided by the industry member shall be independent from association-sponsored activities.

d. Purchase tickets, attend functions, and pay registration fees, provided that such payments are not excessive and are the same paid by all exhibitors.

e. Pay for advertising in programs or brochures issued by retail associations at a convention or trade show, provided that the total payments made by an industry member do not exceed $300 per calendar year to any one retail association.

This rule is intended to implement Iowa Code section 123.186.

701—1003.16(123) Recordkeeping.

1003.16(1) Industry members are required to keep and maintain accurate records for a three-year period regarding each of the items that may be provided to retailers in the following rules:

a. 701—1003.2(123) (product displays).

b. 701—1003.3(123) (retailer advertising utensils, consumer advertising specialties, and retailer wearing apparel).

c. 701—1003.4(123) (glassware).

d. 701—1003.6(123) (tasting).

e. 701—1003.7(123) (sampling).

f. 701—1003.8(123) (trade spending).

g. 701—1003.14(123) (sponsorships and special events).

h. 701—1003.15(123) (participation in educational seminars and retail association activities).

1003.16(2) Records shall state the following:

a. The name and address of the retailer receiving the item.

b. The date the item was furnished, sold, given, loaned, leased, or rented.

c. The item furnished.

d. The industry member's laid-in cost of the item furnished.

e. The charges to the retailer for the item.

1003.16(3) Commercial records or invoices may be used to satisfy the requirements of this rule provided all of the required information appears on the record or invoice.

1003.16(4) Records shall be open to representatives of the department during normal business hours of the industry member and may be subject to administrative subpoena issued by the department.

This rule is intended to implement Iowa Code sections 123.33 and 123.186.

PART III

The rules in this part specify industry member practices that are a means to induce a retailer and that are prohibited. The rules apply to transactions between industry members and retailers.

701—1003.17(123) Equipment, furnishings, fixtures.

1003.17(1) An industry member is prohibited from directly or indirectly giving, selling, renting, or lending equipment, furnishings or fixtures to a retailer for use by the retailer or in the retail establishment.

1003.17(2) A prohibited indirect inducement includes but is not limited to obtaining equipment, furnishings, or fixtures for a retailer through a third-party arrangement where the resulting benefits flow to an individual retailer.

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

701—1003.18(123) Free warehousing prohibited. An industry member is prohibited, directly or indirectly, from providing free warehousing of products for a retailer by delaying delivery of alcoholic liquor, wine, or beer beyond the time that payment for the product is received or, if a retailer is purchasing on credit, delaying final delivery of products beyond the close of the period of time for which credit is lawfully extended.

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

701—1003.19(123) Extension of credit and prepaid accounts.

1003.19(1) *Extension of credit.* An industry member is prohibited from extending credit on the sale of alcoholic liquor or beer to a retailer. An industry member may extend credit to a retailer on the sale of wine for not more than 30 days from the date of the sale.

1003.19(2) *Prepaid accounts.*

a. An industry member may establish prepaid accounts in which retailers deposit a sum of money to pay for future purchases of alcoholic beverages products.

b. An industry member may not hold the money deposited in a prepaid account for future payment of a debt.

c. An industry member shall transfer the amount of the invoice from the retailer's prepaid account each time that the industry member makes a sale and a delivery to the retail establishment.

d. An industry member is not required to establish separate escrow accounts for prepaid accounts.

e. An industry member is responsible for accurately and honestly accounting for the funds held in a prepaid account.

f. A retailer may withdraw the money placed in a prepaid account at any time.

g. An industry member is prohibited from utilizing prepaid accounts to require a retailer to purchase any quota of alcoholic liquor, wine, or beer.

This rule is intended to implement Iowa Code sections 123.45 and 123.181(2).

701—1003.20(123) Quota sales. An industry member is prohibited from requiring a retailer to purchase and sell any quota of alcoholic liquor, wine or beer.

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

701—1003.21(123) Tie-in sales. An industry member is prohibited from requiring a retailer to purchase one product in order to purchase another. This prohibition includes combination sales if one or more products may be purchased only in combination with other products and not individually. However, an industry member is not prohibited from selling at a special combination price, two or more kinds or brands of products to a retailer, provided that the retailer has the option of purchasing either product at the usual price, and the retailer is not required to purchase any product not wanted by the retailer.

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

PART IV

The rule in this part specifies that exclusive outlet arrangements with retailers are prohibited. The rule applies to transactions between industry members and retailers.

701—1003.22(123) Contracts to purchase alcoholic liquor, wine, or beer.

1003.22(1) *Implied or express contracts.*

a. Any contract or agreement, written or unwritten, that has the effect of requiring the retailer to purchase alcoholic liquor, wine, or beer from the industry member beyond a single sales transaction is prohibited, except as provided in paragraph 1003.22(1)*"b."* Examples of such contracts are:

(1) An advertising contract between an industry member and a retailer with the express or implied requirement of the purchase of the advertiser's products.

(2) A sales contract awarded on a competitive bid basis that has the effect of prohibiting the retailer from purchasing from other industry members by requiring that, for the period of the agreement, the retailer purchase a product or line of products exclusively from the industry member or requiring that the retailer purchase a specific or minimum quantity during the period of the agreement.

b. An industry member and a retailer may enter into a supply contract for one year or less under which the industry member agrees to sell alcoholic liquor, wine, or beer to the retailer on an "as needed" basis provided that the retailer is not required to purchase any minimum quantity of such product.

1003.22(2) *Third-party arrangements.*

a. Industry member requirements, by agreement or otherwise, with nonretailers that result in a retailer's being required to purchase the industry member's products are prohibited, regardless of whether the agreement or other arrangement originates with the industry member or the third party.

EXAMPLE: A supplier enters into a contractual agreement or other arrangement with a third party. This agreement or arrangement contains an industry member requirement as described above. The third party—a ballclub or municipal or private corporation not acting as retailer—leases the concession rights and is able to control the purchasing decisions of the retailer. The third party, as a result of the

requirement, by agreement or otherwise, with the industry member, requires the retailer to purchase the industry member's products to the exclusion, in whole or in part, of products sold or offered for sale by other industry members.

b. Prohibited business arrangements between an industry member and a third party may consist of such things as sponsoring radio or television broadcasting, paying for advertising, or providing other services or things of value.

This rule is intended to implement Iowa Code sections 123.45 and 123.186.

PART V

The rule in this part specifies industry member practices that are a means to induce a retailer and that are prohibited. The rule applies to transactions between industry members and employees, officers, or representatives of retailers.

701—1003.23(123) Commercial bribery. An industry member is prohibited from offering or giving a retailer free trips, bonuses or prizes based on sales of the industry member's alcoholic beverages products.

This rule is intended to implement Iowa Code section 123.186.

PART VI

The rules in this part specify sales arrangements that are prohibited. The rules apply to transactions between industry members and trade buyers.

701—1003.24(123) Consignment sales. An industry member is prohibited from selling alcoholic liquor, wine, or beer to a retailer on consignment. Consignment means a sale under which the retailer is not obligated to pay for the alcoholic liquor, wine, or beer, until the product is sold by the retailer.

This rule is intended to implement Iowa Code section 123.186.

701—1003.25(123) Return of alcoholic liquor, wine, and beer. An industry member may accept the return of alcoholic liquor, wine, and beer for ordinary and usual commercial reasons but is not obligated to do so.

1003.25(1) *Ordinary and usual commercial reasons for exchanges and returns.*

a. Defective products.

(1) Products that are unmarketable because of product deterioration, leaking containers, damaged labels, or missing or mutilated tamper-evident closures may be exchanged for an equal quantity of identical products or may be returned for cash or credit against outstanding indebtedness.

(2) Freshness dating. An industry member may accept a return of beer for cash or credit against outstanding indebtedness or exchange the beer for freshness reasons provided all of the following conditions are met:

1. The manufacturer of the beer has policies and procedures in place that specify the date the retailer must pull the product.
2. The industry member's freshness return/exchange policies and procedures are readily verifiable and consistently followed by the industry member.
3. The beer container has identifying markings that correspond with the pull date.
4. The beer product pulled by the trade buyer may not reenter the retail marketplace.

b. Error in products delivered. Any discrepancy between products ordered and products delivered may be corrected, within a reasonable period after delivery, by exchange of the products delivered for those that were ordered, or by a return for cash or credit against outstanding indebtedness.

c. Products that may no longer be lawfully sold. Products that may no longer be lawfully sold may be returned for cash or credit against outstanding indebtedness. This would include situations where, due to a change in regulation or administrative procedure over which the trade buyer or an affiliate of the trade buyer has no control, a particular size or brand is no longer permitted to be sold.

d. Termination of business. Products on hand at the time a trade buyer terminates operations via cancellation of the trade buyer's license or permit may be returned for cash or credit against outstanding

indebtedness. This does not include the temporary seasonal shutdown of a trade buyer holding a 12-month license or permit.

e. Termination of franchise. When an industry member has sold products for cash or credit to one of its wholesalers and the distributorship arrangement is subsequently terminated, stocks of the product on hand may be returned for cash or credit against outstanding indebtedness.

f. Change in product. Except as provided in paragraph 1003.25(2)*"b,"* a trade buyer's inventory of a product that has been changed in formula, proof, label, or container may be exchanged for equal quantities of the new version of that product.

g. Discontinued products. When a producer or importer discontinues the production or importation of a product, a trade buyer's inventory of that product may be returned for cash or credit against outstanding indebtedness.

h. Seasonal dealers. Industry members may accept the return of products from retailers holding an eight-month seasonal license or permit upon cancellation of the license or permit. These returns shall be for cash or for credit against outstanding indebtedness.

1003.25(2) *Reasons not considered ordinary and usual.* The following are not considered ordinary and usual commercial reasons for exchanges and returns. Exchanges and returns for these reasons are prohibited.

a. Overstocked or slow-moving products.

b. Products for which there is only a limited or seasonal demand.

This rule is intended to implement Iowa Code section 123.186.

PART VII

The rule in this part governs violations of rules within this chapter.

701—1003.26(123) Contested case—burden. In any contested case alleging a violation of this chapter, the burden of demonstrating compliance with the lawful requirements for retention of the license or permit or certificate of compliance shall be placed on the licensee, permittee, or certificate of compliance holder.

This rule is intended to implement Iowa Code sections 17A.18(3) and 123.39.

[Filed 3/14/25, effective 5/7/25]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9089C

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to restoration of agricultural lands during and after pipeline construction

The Utilities Commission hereby rescinds Chapter 9, "Restoration of Agricultural Lands During and After Pipeline Construction," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 476.1, 476.1B, 476.2, 478.19 and 478.20.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 479.29 and 479B.20.

Purpose and Summary

The Commission commenced this rulemaking as part of its Executive Order 10 review. This rulemaking promulgates the minimum standards for restoration of agricultural lands disturbed by pipeline construction.

On March 6, 2025, the Commission issued an order adopting amendments. The order is available on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2023-0009.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 18, 2024, as **ARC 8219C**. A public hearing was held on the following date(s):

- October 17, 2024
- October 31, 2024

The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, recommended that the Commission modify subrules 9.2(1) and 9.4(3) in the Notice to mirror the final Regulatory Analysis version.

Iowa Farm Bureau Federation (Farm Bureau) and Summit Carbon Solutions, LLC (Summit) made comments regarding the provision of tile maps to landowners and the requirements in subrule 9.11(2).

Many public comments were received by individuals regarding the Summit pipeline contested case and not this rulemaking.

Richard McKean filed comments suggesting the following: subrule 9.4(3) should require the construction of temporary fencing and gates; paragraph 9.5(2)"d" should expand the allowable trenching to not require topsoil removal to 24 inches; increase the clearance between pipeline and permanent tile repair to 24 inches in paragraph 9.5(4)"a"; should include clarification for paragraph 9.5(4)"d" that all landowners and the soil conservation service office in each affected county be given a copy of all GPS locations and reports of tile repair on landowners' land; all landowners and the soil conservation service in each affected county should be provided all as-built drawings; and carrier pipe should be required to be perforated.

Farm Bureau filed comments suggesting a number of changes, including the following: soil conservation practices and soil conservation structures throughout the chapter be expanded to be inclusive of practices and structures to improve water quality; the definition of "wet conditions" in subrule 9.1(2) be amended to include methods to test whether the soil is too saturated for construction activity; paragraph 9.2(1)"b" be expanded to require sequence of events during and after pipeline construction; subrule 9.4(3), approved change in order approving Regulatory Analysis be included into the chapter; in paragraph 9.5(4)"g," a practice that utilities have been following allowing for landowners to select the tile contractor for repairs be included; subrule 9.5(5) be expanded to ensure smaller rocks used for access roads into easements are removed if the landowner does not agree for them to remain; paragraph 9.5(8)"c" be expanded to include certifications and include language for special accommodations for special farm practices; subrule 9.5(13) be clarified to ensure landowners are aware they do not lose access to their land; a subrule be added to cover winter construction planning; and language be added regarding farms that are enrolled in farm programs or pieces of land that are under contracts.

OCA filed comments relating to the previously approved changes that were not included in the Notice in subrules 9.2(1) and 9.4(3) and agreed with the suggested inclusion of tests into the definition of "wet conditions" in subrule 9.1(2).

The Iowa State Association of Counties filed comments requesting that the SABE standards relating to farm soils and soil compaction management and the ASTM Standards D 1586 be referenced in the chapter and that the testimony it filed in the docket be considered when the Commission reviews the chapter.

The Commission adopted the following changes from the Notice:

Subrule 9.1(2): added the following language to the end of the definition of "wet conditions":

"The ball test, the ribbon test, the amount of standing water within the easement, or other credible evaluation methods may be used to determine if adverse soil conditions are present."

Subrule 9.2(1): the introductory sentence now reads as follows:

"A land restoration plan shall include but is not limited to the following:"

Subrule 9.4(3): the first sentence is adjusted to read as follows:

The pipeline company may remove all field fences and gates, located within the pipeline company's easement, during clearing of the easement and shall construct temporary fences and gates where necessary."

Subrule 9.4(3): the following language was added to the end of the second sentence:

"that are in the same or better condition as those present prior to construction."

Paragraph 9.5(5)"a": the following was added to the end of the first sentence:

"and free of all rocks, gravel or other nonnative surfaces used for an access road or an entrance in the easement area unless alternative arrangements have been made with the landowner."

Paragraph 9.5(8)"c": the second sentence is adjusted to read as follows:

"Spraying shall be done by a pesticide applicator that is appropriately licensed or certified for the spraying of pesticide in Iowa."

Adoption of Rulemaking

This rulemaking was adopted by the Commission on March 6, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

No waiver provision is included in the amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 7, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
RESTORATION OF AGRICULTURAL LANDS DURING AND AFTER PIPELINE CONSTRUCTION

199—9.1(479,479B) General information.

9.1(1) *Authority and purpose.* The rules in this chapter are adopted by the Iowa utilities commission pursuant to the authority granted to the commission in Iowa Code sections 479.29 and

479B.20 to establish standards for the restoration of agricultural lands during and after pipeline construction. These rules constitute the minimum standards for restoration of agricultural lands disturbed by pipeline construction. These rules do not apply to land located within city boundaries, unless the land is used for agricultural purposes, or to interstate natural gas pipelines.

When a project-specific land restoration plan is required pursuant to Iowa Code section 479.29(9) or 479B.20(9), following notice and comment, the commission may impose additional or more stringent standards as necessary to address issues specific to the nature and location of the particular pipeline project. Where a project-specific land restoration plan is not needed pursuant to Iowa Code section 479.29(9) or 479B.20(9), the rules in this chapter shall constitute the minimum land restoration standards for any pipeline construction.

9.1(2) *Definitions.* The following words and terms, when used in these rules, have the meanings indicated below:

"Affected person" means any person with a legal right or interest in the property, including but not limited to a landowner, a contract purchaser of record, a person possessing the property under a lease, a record lienholder, and a record encumbrancer of the property.

"Agricultural land" means any land devoted to agricultural use, including but not limited to land used for crop production, cleared land capable of being cultivated, hay land, pasture land, managed woodlands and woodlands of commercial value, truck gardens, farmsteads, commercial agricultural-related facilities, feedlots, rangeland, livestock confinement systems, land on which farm buildings are located, and land used to implement management practices and structures for the improvement or conservation of soil, water, air, and related plant and animal resources.

"County inspector" means a professional engineer who is licensed under Iowa Code chapter 542B, who is familiar with agricultural and environmental inspection requirements and who is designated by the county board of supervisors to be responsible for completing an on-site inspection for compliance with this chapter and Iowa Code chapters 479 and 479B.

"Drainage structures" or *"underground improvements"* means any permanent structure used for draining agricultural lands, including tile systems and buried terrace outlets.

"Hazardous liquid" means crude oil, refined petroleum products, liquefied petroleum gases, anhydrous ammonia, liquid fertilizers, liquefied carbon dioxide, alcohols, and coal slurries.

"Person" means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity as defined in Iowa Code section 4.1(20).

"Pipeline" means any pipe, pipes, or pipelines used for the transportation or transmission of any solid, liquid, or gaseous substance, except water, within or through Iowa.

"Pipeline company" means any person engaged in or organized for the purpose of owning, operating, or controlling pipelines.

"Pipeline construction" means activity associated with installation, relocation, replacement, removal, or operation or maintenance of a pipeline that disturbs agricultural land but does not include work performed during an emergency, tree clearing, or topsoil surveying completed on land under easement with written approval from the landowner. Emergency means a condition involving clear and immediate danger to life, health, or essential services or a risk of a potentially significant loss of property. When the emergency condition ends, pipeline construction will be in accordance with these rules.

"Proper notice to the county inspector" means that the pipeline company and its contractors shall keep the county inspector continually informed of the work schedule and any changes to the schedule and shall provide at least 24 hours' written notice before commencing or continuing any construction activity to be inspected by the county inspector, including but not limited to right-of-way staking, clearing, boring, topsoil removal and stockpiling, trenching, tile marking, tile screening, tile repairs, backfilling, decompaction, cleanup, restoration, or testing at any project location. The pipeline company may request that the county inspector designate a person to receive such notices. If proper notice is given, construction may begin regardless of the county inspector's presence on the site.

"Soil conservation practices" means any land conservation practice recognized by federal or state soil conservation agencies, including but not limited to grasslands and grassed waterways, hay land planting, pasture, and tree plantings.

"Soil conservation structures" means any permanent structure recognized by federal or state soil conservation agencies, including but not limited to toe walls, drop inlets, grade control works, terraces, levees, and farm ponds.

"Surface drains" means any surface drainage system, such as shallow surface field drains, grassed waterways, open ditches, or any other conveyance of surface water.

"Till" means to loosen the soil in preparation for planting or seeding by plowing, chiseling, discing, or similar means. For the purposes of this chapter, agricultural land planted using no-till planting practices is also considered tilled.

"Topsoil" means the uppermost layer of the soil with the darkest color or the highest content of organic matter, generally referred to as the "A" horizon. In areas where the "A" horizon is determined by a certified professional soil scientist to be less than 12 inches, the topsoil depth shall include both the "A" and the "Bw" horizons as determined by the March 2017 United States Department of Agriculture Soil Survey Manual. Topsoil depth is to be determined under the supervision of a certified professional soil scientist.

"Underground storage" means storage of either natural gas or hazardous liquid in a subsurface stratum or formation of the earth.

"Wet conditions" means adverse soil conditions due to rain events, antecedent moisture, or ponded water, where the passage of construction equipment may cause rutting that mixes topsoil and subsoil, may prevent the effective removal or replacement of topsoil and subsoil, may prevent proper decompaction, or may damage underground tile lines. The ball test, the ribbon test, the amount of standing water within the easement, or other credible evaluation methods may be used to determine if adverse soil conditions are present.

199—9.2(479,479B) Filing of land restoration plans. Pursuant to Iowa Code sections 479.29 and 479B.20, a land restoration plan is required for any pipeline construction that requires a permit from the commission and for any proposed amendment to an existing permit that involves pipeline construction, relocation, or replacement. The land restoration plan shall be filed with the appropriate petition and be identified as Exhibit I. For pipelines that do not need a permit from the commission and that are constructed across agricultural land, the pipeline company shall have on file with the commission a general land restoration plan covering pipelines that do not need a permit from the commission.

9.2(1) *Content of plan.* A land restoration plan shall include but is not limited to the following:

a. A brief description of the purpose and nature of the pipeline construction project.

b. A description of the sequence of events that will occur during pipeline construction.

c. A description of how the pipeline company will comply with rules 199—9.4(479,479B) and 199—9.5(479,479B).

d. The point of contact for landowner inquiries or claims as provided for in rule 199—9.5(479,479B).

e. A unique identification number that follows a linearly sequential pattern on each parcel of land over which the pipeline will be constructed.

9.2(2) *Plan variations.* The commission may by waiver allow variations from the requirements in this chapter if the pipeline company requesting a waiver is able to satisfy the standards set forth in rule 199—1.3(17A,474,476) and if the alternative methods proposed by the pipeline company would restore the land to a condition as good as or better than provided for in this chapter.

9.2(3) *Mitigation plans and agreements.* Preparation of a separate land restoration plan may be waived by the commission where a pipeline company enters into an agricultural impact mitigation plan or similar agreement with the appropriate agencies of the state of Iowa that satisfies the requirements of this chapter. If a mitigation plan or agreement is used to fully or partially meet the requirements of a land restoration plan, the statement or agreement shall be filed with the commission and will be considered to be, or to be part of, the land restoration plan for purposes of this chapter.

199—9.3(479,479B) Procedure for review of plan.

9.3(1) *Timing.* The commission will review the proposed land restoration plan, as established in rule 199—9.2(479,479B), at the same time it reviews the petition. Objections to the proposed plan may be filed as part of the permit proceeding. The pipeline company shall modify the plan as determined by the commission.

9.3(2) *Distributing approved plan.* After the commission has approved the plan as part of the commission's review and approval of the petition, but prior to construction, the pipeline company shall provide copies of the final plan approved by the commission to all landowners of property and persons in possession of the property under a lease that will be disturbed by the construction, the county board of supervisors in each county affected by the project, the county engineer of each affected county, and the county inspector in each affected county.

199—9.4(479,479B) Staking and clearing of agricultural land.

9.4(1) *Easement staking.* The pipeline company shall allow the county inspector and the landowner to be present during the staking of the easement. Written notice of the staking shall be provided to the landowner and the county inspector in the same manner as provided for in proper notice to the county inspector. Pipeline construction is prohibited until seven days after the easement is staked unless the landowner waives the seven-day period after the easement staking has been completed. If proper notice is given, easement staking may begin regardless of the county inspector's or landowner's presence on the site.

9.4(2) *Trees and brush.* If trees are to be removed from the easement, the pipeline company shall consult with the landowner to determine if there are trees of commercial or other value to the landowner.

a. If there are trees of commercial or other value to the landowner, the pipeline company shall allow the landowner the right to retain ownership of the trees with the disposition of the trees to be negotiated prior to commencement of land clearing or, if the landowner does not want to retain ownership of the trees, the pipeline company shall hire a forester with local expertise to appraise the commercial value of any timber to be cut for construction of the pipeline. The pipeline company shall compensate the landowner for the full appraised commercial value of any timber removed. The pipeline company shall remove all cleared trees and debris left on or adjacent to the easement.

b. If the trees to be cleared have been determined to have no commercial or other value to the landowner and there is no negotiated agreement between the pipeline company and the landowner for the disposition of the trees in advance of clearing of the easement, removal and disposal of the material shall be completed at the discretion of the pipeline company.

9.4(3) *Fencing.* The pipeline company may remove all field fences and gates, located within the pipeline company's easement, during clearing of the easement and shall construct temporary fences and gates where necessary. Upon completion of the pipeline construction, the pipeline company shall replace any temporary field fences or gates with permanent field fences or gates that are in the same or better condition as those present prior to construction. The pipeline company and landowner may negotiate separate agreements regarding field fences and gates. If livestock is present, the pipeline company shall construct any temporary or permanent fences and gates in a manner that will contain livestock.

199—9.5(479,479B) Restoration of agricultural lands.

9.5(1) *Topsoil survey.*

a. Prior to the removal of any topsoil, the pipeline company will conduct a topsoil survey to be performed under the supervision of a certified professional soil scientist across the full extent of the easement for any pipeline that requires a commission permit.

(1) A minimum of three soil depths shall be physically measured in the field at each cross section as follows:

1. One on the left edge of the easement;
2. One at 15 feet of the centerline of the pipeline on the working side of the right-of-way; and
3. One on the right edge of the working easement.

(2) Cross sections shall be taken a minimum of every 500 linear feet for the full extent of the easement. Each parcel of land shall have a minimum of two cross sections.

b. The pipeline company shall provide the results of the topsoil survey to the county board of supervisors, county inspector, county engineer, and affected persons at least six weeks prior to commencing construction.

9.5(2) *Topsoil separation and replacement.*

a. Removal. Topsoil removal and replacement in accordance with this rule is required for any open excavation associated with pipeline construction unless otherwise provided in these rules. The actual depth of the topsoil, as determined by a topsoil survey, shall be stripped from the full extent of the easement. Topsoil shall also be removed and replaced in accordance with these rules at any location where land slope or contour is significantly altered to facilitate construction. Topsoil removal shall not occur during wet conditions.

b. Soil storage. The topsoil and subsoil shall be segregated, stockpiled, and preserved separately during subsequent construction operations. The stored topsoil and subsoil shall have sufficient separation to prevent mixing during the storage period. Topsoil shall not be used to construct field entrances or drives, or be otherwise removed from the property, without the written consent of the landowner. Topsoil shall not be stored or stockpiled at locations that will be used as a traveled way by construction equipment without the written consent of the landowner.

c. Stockpile stabilization. Topsoil stockpiles shall be stabilized with seeding and mulch within 14 calendar days of stockpiling. Between October 15 and March 15, soil tackifier shall be used in place of seeding and mulch.

d. Topsoil removal not required. Topsoil removal is not required where the pipeline is installed by plowing, jacking, boring, or other methods that do not require the opening of a trench. If provided for in a written agreement between the pipeline company and the landowner, topsoil removal is not required if the pipeline can be installed in a trench with a top width of 18 inches or less.

e. Backfill. The topsoil and subsoil shall be replaced in the reverse order in which they were excavated from the trench. The depth of the replaced topsoil shall conform as near as possible to the depth of topsoil that was removed. Where excavations are made for road, stream, drainage ditch, or other crossings, the original depth of topsoil shall be replaced as near as possible.

9.5(3) *Pumping of water from open trenches.*

a. In the event it becomes necessary to pump water from open trenches, the pipeline company shall pump the water in a manner that avoids damaging adjacent agricultural land. Damages from pumping water from trenches include but are not limited to inundation of crops and depositing of sediment in fields, pastures, and surface drains.

b. If water-related damages result from pumping water from trenches, the pipeline company shall either compensate the landowner for the damages or restore the land, pasture, surface drains, or similar land to the preconstruction condition, at the landowner's discretion.

c. Written permission from the landowner is required before the pipeline company can pump water from trenches onto land outside of the pipeline company's easement.

d. All pumping of water shall comply with existing state drainage laws, local ordinances, and federal statutes.

9.5(4) *Temporary and permanent repair of drain tile.*

a. Pipeline clearance from drain tile. Where underground drain tile is encountered, the pipeline shall be installed in such a manner that the permanent tile repair can be installed with at least 12 inches of clearance from the pipeline.

b. Temporary repair. The following standards shall be used to determine if temporary repair of agricultural drainage tile lines encountered during pipeline construction is required.

(1) Any underground drain tile damaged, cut, or removed and found to be flowing or that subsequently begins to flow shall be temporarily repaired as soon as practicable, and the repair shall be maintained as necessary to allow for its proper function during construction of the pipeline. The temporary repairs shall be maintained in good condition until permanent repairs are made.

(2) Any underground drain tile damaged, cut, or removed and found to not be flowing shall have the upstream exposed tile line screened or otherwise protected to prevent the entry of foreign material and small animals into the tile system. The downstream tile line entrance shall be capped or filtered to prevent entry of mud or foreign material into the line if the water level rises in the trench.

c. Marking. Any underground drain tile damaged, cut, or removed shall be marked by placing a highly visible flag in the trench spoil bank directly over or opposite such tile. This marker will remain until the tile has been permanently repaired and the repairs have been approved and accepted by the county inspector. If proper notice is given, construction may begin regardless of the county inspector's presence on the site.

d. Permanent repairs. Tile disturbed or damaged by pipeline construction shall be repaired to its original or better condition. Permanent repairs shall be completed within 14 days after the pipeline is installed in the trench and prior to backfilling of the trench over the tile line. The county inspector shall inspect each permanent repair for compliance with this chapter. If proper notice is given, construction may begin regardless of the county inspector's presence on site. Permanent repair and replacement of damaged drain tile shall be performed in accordance with the following requirements:

(1) All damaged, broken, or cracked tile shall be removed.

(2) Only unobstructed tile shall be used for replacement.

(3) The tile furnished for replacement purposes shall be of a quality, size, and flow capacity at least equal to that of the tile being replaced.

(4) Tile shall be replaced using a laser transit, or similar instrument or method, to ensure that the tile's proper gradient and alignment are restored, except where relocation or rerouting is required for angled crossings. Tile lines at a sharp angle to the trench shall be repaired in the manner shown on Drawing No. IUC PL-1 at the end of this chapter.

(5) The replaced tile shall be firmly supported to prevent loss of gradient or alignment due to soil settlement. The method used shall be comparable to that shown on Drawing No. IUC PL-1 at the end of this chapter.

(6) Before completing permanent tile repairs, all tile lines shall be examined visually by televising on both sides of the trench over the full extent of the working easement to check for tile that might have been damaged or misaligned by construction equipment. If tile lines are found to be damaged, they must be repaired to operate as well after construction as before construction.

e. Inspection. Prior to the applicable trench area being backfilled, each permanent tile repair shall be inspected by the county inspector for compliance.

f. Backfilling. The backfill surrounding the permanently repaired drain tile shall be completed at the time of the repair and in a manner that ensures that any further backfilling will not damage or misalign the repaired section of the tile line. The county inspector shall inspect that backfill for compliance with this chapter. If proper notice is given, construction may begin regardless of the county inspector's presence on the site.

g. Subsurface drainage. Subsequent to pipeline construction and permanent repair, if it becomes apparent the tile line in the area disturbed by construction is not functioning correctly or that the land adjacent to the pipeline is not draining properly, which can reasonably be attributed to the pipeline construction, the pipeline company shall make further repairs or install additional tile as necessary to restore subsurface drainage.

9.5(5) *Removal of rocks and debris from the easement.*

a. Removal. The topsoil, when backfilled, and the easement area shall be free of all rock larger than three inches in average diameter not native to the topsoil prior to excavation and free of all rocks, gravel or other nonnative surfaces used for an access road or an entrance in the easement area unless alternative arrangements have been made with the landowner. Where rocks over three inches in size are present, their size and frequency shall be similar to adjacent soil not disturbed by construction. The top 24 inches of the trench backfill shall not contain rocks in any greater concentration or size than exist in the adjacent natural soils. Consolidated rock removed by blasting or mechanical means shall not be placed in the backfill above the natural bedrock profile or above the frost line. In addition, the pipeline

company shall examine areas adjacent to the easement and along access roads and shall remove any large rocks or debris that may have rolled or blown from the right-of-way or fallen from vehicles.

b. Disposal. Rock that cannot remain in or be used as backfill shall be disposed of at locations and in a manner mutually satisfactory to the company and the landowner. Soil from which excess rock has been removed may be used for backfill. All debris attributable to the pipeline construction and related activities shall be removed and disposed of properly. For the purposes of this rule, debris includes spilled oil, grease, fuel, or other petroleum or chemical products. Such products and any contaminated soil shall be removed for proper disposal or treated by appropriate in situ remediation.

9.5(6) *Restoration after soil compaction and rutting.*

a. Agricultural restoration. Agricultural land, including off right-of-way access roads traversed by heavy construction equipment that will be removed, shall be deep tilled to alleviate soil compaction upon completion of construction on the property. If the topsoil was removed from the area to be tilled, the tillage shall precede replacement of the topsoil. At least three passes with the deep tillage equipment shall be made. Tillage shall be at least 18 inches deep in land used for crop production and 12 inches deep on other lands and shall be performed under soil moisture conditions that result in a maximum standard penetration test (SPT) reading of 300 psi pursuant to ASTM D1586/D1586M-18e1, as published on November 30, 2018, performed by a qualified person. Decompaction shall not occur in wet conditions. Upon agreement, this tillage may be performed by the landowners or tenants using their own equipment.

b. Rutted land restoration. Rutted land shall be graded and tilled until restored as near as practical to its preconstruction condition. Rutting shall be remedied before any topsoil that was removed is replaced.

9.5(7) *Restoration of terraces, waterways, and other erosion control structures.* Existing soil conservation practices and structures damaged by the construction of a pipeline shall be restored to the elevation and grade existing prior to the time of pipeline construction. Any drain tiles or flow diversion devices impacted by pipeline construction shall be repaired or modified as needed. Soil used to repair embankments intended to retain water shall be well compacted. Disturbed vegetation shall be reestablished, including a cover crop when appropriate. Restoration of terraces shall be in accordance with Drawing No. IUC PL-2 at the end of this chapter. The county inspector shall inspect restoration of terraces, waterways, and other erosion control structures for compliance with this chapter. If proper notice is given, construction may begin regardless of the county inspector's presence on the site.

9.5(8) *Revegetation of untilled land.*

a. Crop production. Agricultural land not in row crop or small grain production at the time of construction, including hay ground and land in conservation or set-aside programs, shall be reseeded, including use of a cover crop when appropriate, following completion of deep tillage and replacement of the topsoil. The seed mix used shall restore the original or a comparable ground cover unless otherwise requested by the landowner. If the land is to be placed in crop production the following year, paragraph 9.5(9)*"b"* applies.

b. Delayed crop production. Agricultural land used for row crop or small grain production that will not be planted in that calendar year due to the pipeline construction shall be seeded with an appropriate cover crop following replacement of the topsoil and completion of deep tillage. However, cover crop seeding may be delayed if construction is completed too late in the year for a cover crop to become established and in such instances is not required if the landowner or tenant proposes to till the land the following year. The landowner may request ground cover where the construction is completed too late in the year for a cover crop to become established to prevent soil erosion.

c. Weed control. On any easement, including but not limited to construction easements and easements relating to valve sites, metering stations, and compression stations, the pipeline company shall provide for weed control in a manner that prevents the spread of weeds onto adjacent lands used for agricultural purposes. Spraying shall be done by a pesticide applicator that is appropriately licensed or certified for the spraying of pesticide in Iowa. If the pipeline company fails to control weeds within 45 days after receiving written notice from the landowner, the pipeline company shall be responsible for reimbursing all reasonable costs of weed control incurred by owners of adjacent land.

9.5(9) *Future installation of drain tile or soil conservation practices and structures.*

a. Future drain tile. The pipeline company shall consult with affected persons regarding plans for future drain tile installation. Where an affected person provides the pipeline company with written plans prepared by a qualified tile technician for future drain tile improvements before an easement is secured, the pipeline shall be installed at a depth that will allow proper clearance between the pipeline and the proposed future tile installation.

b. Future practices and structures. The pipeline company shall consult with any affected person's plans for future use or installation of soil conservation practices or structures. Where an affected person provides the pipeline company with a design for such practice or structure prepared by a qualified technician before an easement is secured, the pipeline shall be installed at a depth that will allow for future installation of the planned soil conservation practice or structure and that will retain the integrity of the pipeline.

9.5(10) *Restoration of land slope and contour.* Upon completion of construction, the slope, contour, grade, and drainage pattern of the disturbed area shall be restored as near as possible to its preconstruction condition. However, the trench may be crowned to allow for anticipated settlement of the backfill. Excessive or insufficient settlement of the trench area, which visibly affects land contour or undesirably alters surface drainage, shall be remediated by the pipeline company by means such as regrading and, if necessary, import of appropriate fill material. Disturbed areas in which erosion causes formation of rills or channels, or areas of heavy sediment deposition, shall be regraded as needed. On steep slopes, methods such as sediment barriers, slope breakers, or mulching shall be used as necessary to control erosion until vegetation can be reestablished. The county inspector shall inspect restoration of land slope and contour for compliance with this chapter.

9.5(11) *Restoration of areas used for field entrances or temporary roads.* Upon completion of construction and land restoration, field entrances or temporary roads built as part of the construction project shall be removed and the land made suitable for return to its previous use. Areas affected shall be regraded as required by subrule 9.5(10) and deep tilled as required by subrule 9.5(6). If by agreement, or at landowner request, and subject to any necessary approval by local public road authorities, a field entrance or road is to be left in place, it shall be left in a graded and serviceable condition. The county inspector shall inspect restoration of areas used for field entrances or temporary roads for compliance with this chapter.

9.5(12) *Construction in wet conditions.* The county inspector, in consultation with the pipeline company and the landowner or person in possession of the land pursuant to a lease, if present, shall determine when construction should not proceed in a given area due to wet conditions. The county inspector shall have the sole authority to determine whether construction should be halted due to wet conditions. Construction in wet soil conditions shall not commence or continue at times when or locations where the passage of heavy construction equipment may cause rutting to the extent that the topsoil and subsoil are mixed or underground drainage structures may be damaged. To facilitate construction in wet soils, the pipeline company may elect to remove and stockpile the topsoil from the traveled way, install mats or padding, or use other methods acceptable to the county inspector. Topsoil removal, storage, and replacement shall comply with subrule 9.5(2).

9.5(13) *Access to land.* Nothing in this rule shall prohibit a landowner or person in possession of the land pursuant to a lease from having access to the property. A landowner or person in possession of the land pursuant to a lease shall not disrupt ongoing construction and shall not compromise the safety considerations of the construction. A landowner or person in possession of the land pursuant to a lease shall abide by any and all safety instructions established by the pipeline company during construction.

199—9.6(479,479B) Designation of a pipeline company point of contact for landowner inquiries or claims.

9.6(1) For each pipeline construction project subject to this chapter, the pipeline company shall designate a point of contact for inquiries or claims from affected persons. The designation shall include the name of an individual to contact and a toll-free telephone number, an email address, and an address through which that person can be reached. The pipeline company shall also provide the name of and

contact information for the county inspector. This information shall be provided to all affected persons prior to commencement of construction. Any change in the point of contact shall be promptly communicated in writing to affected persons. A designated point of contact shall remain available for all affected persons for at least one year following project completion and for affected persons with unresolved damage claims until such time as those claims are settled.

9.6(2) If requested by an affected person, any notice required to be given to the county inspector shall also be given to the affected person.

199—9.7(479,479B) Separate agreements. This chapter does not preclude the application of provisions for protecting or restoring property that are different from those contained in this chapter, or in a land restoration plan, which are contained in easements or other agreements independently executed by the pipeline company and the landowner. The alternative provision shall not be inconsistent with state law or these rules. The agreement shall be in writing, and the pipeline company shall provide a copy to the county inspector and the commission.

199—9.8(479,479B) Notice of violation and halting construction.

9.8(1) *Notice of violation.* If the county inspector identifies a violation of the standards adopted in this chapter, Iowa Code section 479.29 or 479B.20, or a separate agreement between the pipeline company and the landowner, the county inspector shall give verbal notice, followed by written notice, to the pipeline company and the pipeline company's contractor and require the pipeline company to take corrective action.

9.8(2) *Halting construction.* A county inspector may temporarily halt construction at the location of the dispute if construction is not in compliance with the standards adopted in this chapter, the land restoration plan, or the terms of an independent agreement between the pipeline company and landowner regarding land restoration or line location until the county inspector consults with a supervisor of the pipeline company or contractor. If, after consultation with a supervisor of the pipeline company or contractor, agreement on corrective action to address the violation cannot be reached, the county inspector may submit a request to the county board of supervisors for resolution of the issue. Construction may resume at the disputed location either (1) after the county inspector and supervisor of the pipeline company reach an agreement on a resolution or (2) where the board of supervisors has been contacted, after the board of supervisors has responded or after one business day after contact by the county inspector. If a resolution is not reached, construction may continue; however, the pipeline company will be responsible for any damages or for correcting any violation.

199—9.9(479,479B) Enforcement. A pipeline company shall fully cooperate with county inspectors in the performance of their duties under Iowa Code sections 479.29 and 479B.20, including giving proper notice before staking, clearing, boring, topsoil removal and stockpiling, trenching, tile marking, silt screening, tile repair or backfilling, decompaction, cleanup, restoration, or testing of any easement. The pipeline company shall pay the reasonable costs for any work provided during the pipeline construction by the county inspector. If the pipeline company or its contractor does not comply with the requirements of Iowa Code section 479.29 or 479B.20, with the land restoration plan, or with an independent agreement on land restoration or line location, the county board of supervisors may petition the utilities commission for an order requiring corrective action to be taken. The county board of supervisors may also file a complaint with the commission seeking imposition of civil penalties.

199—9.10(479,479B) Project completion. The county inspector for each county affected by the pipeline project shall recommend to the county board of supervisors that the pipeline project be considered complete upon completion of restoration of all affected agricultural lands and 70 percent growth is established in locations requiring seeding after receiving written notification by the pipeline company to the same effect. The county board of supervisors shall determine whether the project is completed.

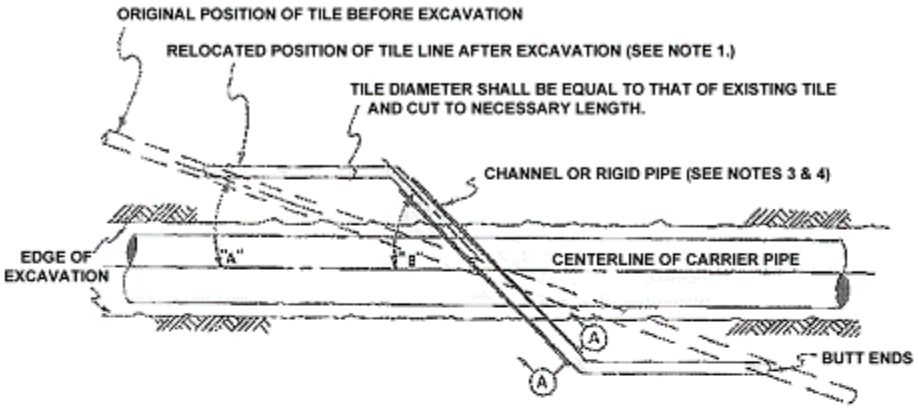
199—9.11(479,479B) Document submittal. Once a project is completed, project documents shall be submitted as follows.

9.11(1) *Document turnover.* The county inspector shall submit to the county board of supervisors and the pipeline company copies of inspection reports; tile reports and maps; punch lists; notice of violation documents; decompaction agreements; separate agreements, including those that excuse the pipeline company from certain construction responsibilities; and landowner agreements. The documents shall also be available for inspection by the commission or an affected person upon request.

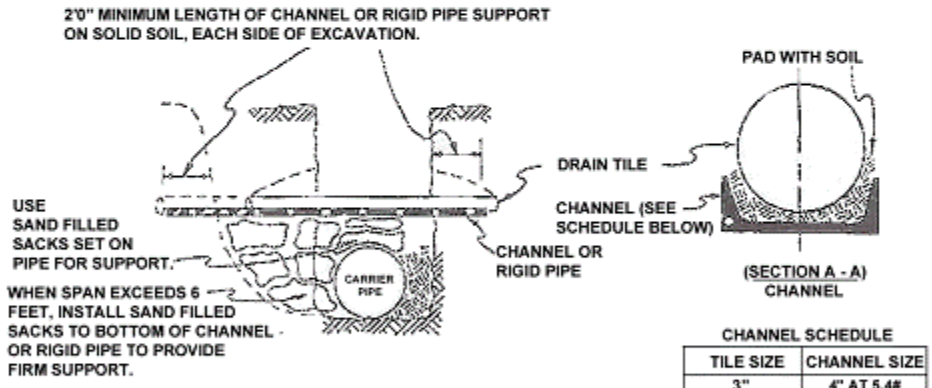
9.11(2) *As-built drawings.* The pipeline company shall provide the county inspector and affected landowners with copies of pipe alignment as-built drawings and underground drain tile as-built drawings, including the Global Positioning System location of drain tile.

Drawing No. IUC PL-1

RESTORATION OF DRAIN TILE



(PLAN VIEW)

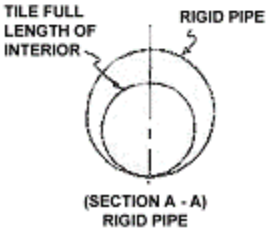


(METHOD OF SUPPORT - - ELEVATION)

CHANNEL SCHEDULE

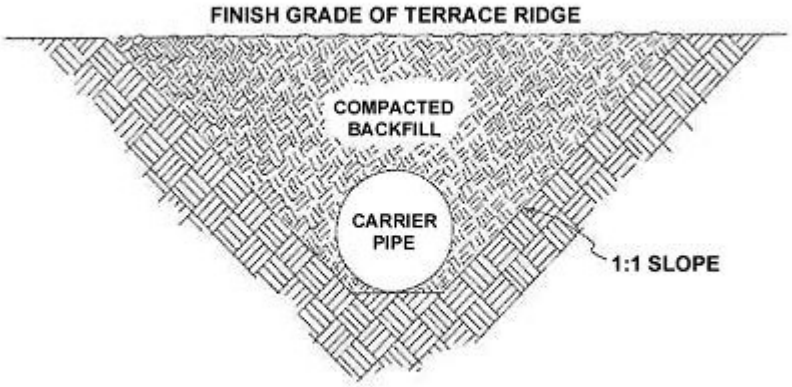
TILE SIZE	CHANNEL SIZE
3"	4" AT 5.4#
4" - 5"	5" AT 6.7#
6" - 9"	7" AT 9.8#
10" & LARGER	10" AT 15.3#

NOTES:
1. TILE SHALL BE RELOCATED AS SHOWN WHEN ANGLE "A" BETWEEN PIPELINE AND ORIGINAL TILE IS LESS THAN 20° UNLESS OTHERWISE AGREED TO BY LANDOWNER AND COMPANY.
2. ANGLE "B" SHALL BE 45° FOR USUAL WIDTHS OF TRENCH. FOR EXTRA WIDTHS, IT MAY BE GREATER.
3. DIAMETER OF RIGID PIPE SHALL BE OF ADEQUATE SIZE TO ALLOW FOR THE INSTALLATION OF THE TILE FOR THE FULL LENGTH OF THE RIGID PIPE.
4. OTHER METHODS OF SUPPORTING DRAIN TILE MAY BE USED IF THE ALTERNATE PROPOSED IS EQUIVALENT IN STRENGTH TO THE CHANNEL SECTIONS SHOWN AND IF APPROVED BY THE LANDOWNER.



Drawing No. IUC PL-2

RESTORATION OF TERRACE



NOTE:

COMPACTION OF BACKFILL TO BE EQUAL TO THAT OF THE UNDISTURBED ADJACENT SOIL.

These rules are intended to implement Iowa Code sections 479.29 and 479B.20.

[Filed 3/14/25, effective 5/7/25]
[Published 4/2/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/25.

ARC 9090C

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to rate cases, tariffs, and rate regulation election practice and procedure

The Utilities Commission hereby rescinds Chapter 26, "Rate Cases, Tariffs, and Rate Regulation Election Practice and Procedure," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 476.2, 476.3, 476.6, 476.7 and 476.33.

Purpose and Summary

The Commission commenced this rulemaking in compliance with Executive Order 10. Chapter 26 executes Iowa Code sections 476.2, 476.3, 476.6, 476.7, and 476.33 by setting out standard filing requirements and a standard procedure for regulated utilities to follow when requesting to increase rates.

Chapter 26 also sets out procedures for the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice (OCA), to follow to open an investigation into the reasonableness of a utility's rates. Lastly, Chapter 26 sets out a procedure for electric cooperative members to petition the Commission for rate-regulation.

On February 26, 2025, the Commission issued an order adopting amendments. The order is available on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2023-0026.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 27, 2024, as **ARC 8406C**. A public hearing was held on the following date(s):

- December 18, 2024
- December 30, 2024

The OCA made the following comments at the hearing: (1) the requirement to provide paper copies of a rate increase application should be retained, (2) customer notices should continue to provide base rate increase information, and (3) standard customer notices should continue to include visual graphics.

Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy made the following comments at hearing: (1) the requirement to provide paper copies of a rate increase application should be removed and (2) it supports the Commission's proposed changes to the customer notice requirement.

Iowa-American Water Company suggested that the requirement to provide paper copies of a rate increase application should be removed.

MidAmerican supported the Commission's proposed changes to the customer notice requirements.

Written comments, described below, were filed in the Commission's electronic filing system.

The OCA reiterated its oral comments and also suggested certain application requirements could be described with more specificity.

Black Hills reiterated its oral comments.

Iowa-American Water Company reiterated its oral comments and also argued that the Commission should rescind the limitation on a utility's ability to file an application based on a future test year until after the completion of the utility's prior rate case.

Iowa Business Energy Coalition suggested the Commission promulgate a requirement that a utility "map" its rate increase request to certain annually reported forms.

The Iowa Environmental Council and Environmental Law and Policy Center filed joint comments supporting the Office of Consumer Advocate's request to retain base rate information in customer notices.

One change from the Notice has been made in subparagraph 26.4(5)"b"(5) regarding the Office of Consumer Advocate's suggestion to add the specification of certain application materials.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on February 26, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

No waiver provision is included because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 26.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 7, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 26 and adopt the following **new** chapter in lieu thereof:

CHAPTER 26
RATE CASES, TARIFFS, AND RATE REGULATION ELECTION PRACTICE AND PROCEDURE

199—26.1(17A,476) Scope.

26.1(1) This chapter contains utilities commission procedural rules and filing requirements for utility rate cases, other rate tariff filings, and rate regulation election of electric cooperatives. The general contested case procedural rules in 199—Chapter 7 apply to these types of proceedings where the rules in this chapter do not provide specific guidance.

26.1(2) The provisions of this chapter do not apply to municipal utilities.

26.1(3) The provisions of this chapter do not apply to electric utilities with fewer than 10,000 customers or to electric cooperatives or associations subject to the provisions of Iowa Code section 476.1A that have not elected to be rate-regulated by the commission. The same regulatory requirements as electric cooperatives prescribed in 199—Chapter 27 apply to electric utilities with fewer than 10,000 customers.

26.1(4) The provisions of this chapter do not apply to natural gas utilities with fewer than 2,000 customers pursuant to Iowa Code section 476.1C unless a valid petition is filed with the commission pursuant to Iowa Code section 476.1C(1)*"d"*(1).

199—26.2(17A,476) Definitions. Except where otherwise specifically defined by law:

"ASC" means the Accounting Standards Codification, which is a source of authoritative generally accepted accounting principles recognized by the Financial Accounting Standards Board, in effect as of the date of these rules, unless a separate effective date is identified in a specific rule.

"Bridge period" means the period between the most recent calendar year and the beginning of the proposed future test year.

"Commission" means the Iowa utilities commission.

"Commodity" or *"commodities"* means water, sanitary sewage disposal, storm water drainage, electricity, or natural gas.

"Effective date" means the date, approved by the commission, on which the utility may begin charging a new rate or charge or implementing tariff changes approved by the commission.

"Future test year" means any 12-month period beginning no later than the date on which a proposed rate change is expected to take effect.

"Historic test year" means a 12-month period preceding when the application for a general rate increase is filed for which verifiable data exists concerning the utility's costs and revenues.

"Lead-lag study" means a procedure for determining the weighted average of the days for which investors or customers supply working capital to operate the utility.

"Rates" means the per-unit or per-occurrence amounts billed to customers for a recurring or nonrecurring service or commodity rendered or offered by the utility and any charge, schedule, or regulation that a utility includes in a tariff approved by the commission.

"Subsequent proceeding" means the proceeding the commission is required to conduct subsequent to the effective date of the rates approved by the commission based upon a future test year.

"Utility" means an investor-owned public utility subject to rate regulation by the commission.

"Verification period" means the 12-month period of data required to be filed as part of the subsequent proceeding. The 12-month period begins the first day of the month following the month in which the rates approved by the commission become effective.

"Written notice" means any form of written communication, including first-class mail or email if a customer has agreed to receive electronic notices from the utility for matters other than billing.

199—26.3(17A,476) Tariffs required.

26.3(1) *Tariffs to be filed.*

a. A proposed tariff consistent with this rule shall be filed with an application for a new or changed rate, charge, schedule, or regulation. If the proposed new or changed rate, charge, schedule, or regulation is neither rejected nor approved by the commission, the commission will docket the tariff filing as a formal proceeding within 30 days after the filing date.

b. Proposed new or changed rates, charges, schedules, or regulations that contain energy efficiency expenditures and related costs for demand-side programs shall not be included in a utility's proposed tariff that relates to a general increase in revenue. A utility may propose to recover the costs of process-oriented industrial assessments not related to energy efficiency as defined in the definitions rule of 199—Chapter 35.

c. The consumer advocate or any customer affected by the filing may submit within 20 days after the filing date a written objection to the filing and a written request that the commission docket the filing. The written objections and requests for docketing shall set forth specific grounds relied upon in making the objection or request.

26.3(2) *Transmittal letter and tariff changes.*

a. Two versions of all applicable proposed tariff revisions along with an accompanying transmittal letter shall be filed at the same time as an application for a general increase in rates. One version shall be marked showing all of the tariff language changes for which the utility seeks approval. The second version shall be a clean copy of the tariff with all of the proposed tariff language changes incorporated. The transmittal letter shall explain the nature, effect, and purpose of the proposed tariff. When applicable, the transmittal letter will include the following information:

(1) The amount of the aggregate annual increase or decrease proposed.

(2) The names of communities affected.

(3) A summary of the reasons for filing and such other information as may be necessary to support the proposed changes.

(4) The number and classification of customers affected.

b. The marked version shall show all additions and deletions, with all new language marked by underlined text and all deleted language indicated by strike-through. The original sheet includes the following symbols in the right margin to indicate the place, nature, and extent of any text changes.

(1) The symbol C indicates a change in regulation.

(2) The symbol D indicates a discontinued rate or regulation.

(3) The symbol I indicates an increased rate.

(4) The symbol L indicates a change in the location of the language.

(5) The symbol N indicates a new treatment or regulation.

(6) The symbol R indicates a reduced rate.

(7) The symbol T indicates a change in the text that does not include a changed rate or regulation.

199—26.4(17A,476) General rate increase applications filed pursuant to Iowa Code section 476.6.

26.4(1) *Customer notification procedures.* The notice requirements applicable to an application for a general rate increase, pursuant to Iowa Code section 476.6, are described below.

a. Notification of rate increase to customers.

(1) All utilities that propose to increase rates shall provide written notice of the proposed increase to all customers in all affected rate classifications. The written notice shall be mailed or delivered before the application for increase is filed, but not more than 30 days prior to filing the application for increase with the commission. The utility may send one notice to customers who receive service from a utility for two different types of service.

(2) A utility may use the standard notice form found on the commission's website for notification to customers without seeking prior commission approval. If the standard notice is used to provide notice to customers of a general rate increase, the utility shall file the standard notice, with the rates that are being proposed, with the commission at least five days prior to sending the notice to customers. A utility that uses the standard customer notice form shall issue a press release and post notice on the utility's website of the application for a general rate increase when the utility sends the notice to customers. A utility that uses the standard customer notice form is required to propose consumer comment meeting dates, times, and locations 45 days before the utility proposes to deliver the notice to its customers. The utility shall issue a second press release about the consumer comment meetings one week before the first consumer comment meeting.

(3) A utility that proposes to increase rates and to provide notice to customers by a method that is not in substantial compliance with the standard customer notice on the commission's website shall file its proposed notice for approval of the commission not less than 45 days before the utility proposes to deliver the notice to its customers. The utility's proposed notice may contain placeholder cost figures, cost percentages, and meeting locations when initially filed with the commission. Placeholder cost figures, cost percentages, and meeting locations must be replaced with actual cost figures, cost percentages, and meeting locations when the utility sends its approved notice to customers. A utility that uses a nonstandard customer notice shall issue a press release and post notice on the utility's website of the application for a general rate increase when the utility sends notice to customers. A utility that uses a nonstandard customer notice shall also issue a second press release regarding the application for general rate increase, including the dates, times, and locations of the commission-approved consumer comment meetings, one week before the first consumer comment meeting.

(4) The notice requirements in this paragraph are not applicable to rate increases for telecommunications services. Notice requirements for intrastate access service rates are subject to the requirements of the "intrastate access charge application, tariff procedures, and rates" rule of 199—Chapter 22.

b. Requirements for rate increase notices.

(1) A standard notice shall comply with the standard form notice on the commission's website. Any deviation from the standard notice requires the filing of a proposed nonstandard notice in compliance with subparagraph 26.4(1)*"b"*(2).

(2) At a minimum, a nonstandard customer notice shall include the following information:

1. If the utility is proposing to place interim rates in effect, an explanation of the interim rate process applicable to the proceeding and, with respect to such proposed interim rates, all of the information that this subrule requires a utility to submit concerning final rates.

2. A description of the proposed increase in rates.

3. The proposed effective date of the proposed final increase in rates, including a statement that ultimately the commission will determine if and when any changes in final rates become effective.

4. A table that includes the utility's primary customer classes and that, for each class, shows the proposed monthly overall increase in the average monthly bill, and the proposed average monthly overall percentage increase. Increases in monthly customer rates, rates for lighting, and similar rates shall be described in a footnote to the table. The utility shall highlight on the notice the rates that are proposed for a customer receiving the notice.

5. If a utility proposes significant changes to nonrecurring rates, a table that contains the following for each nonrecurring rate: the current rate, the proposed rate, and the percentage increase.

6. A statement indicating that the impact proposed new rates have on amounts billed to customers may differ depending on the type and extent of usage.

7. A statement indicating that a written explanation of all current and proposed rate schedules is available without charge from the utility's local business office.

8. A statement indicating how a customer may contact the utility with any questions concerning the proposed increase in rates.

9. A statement indicating that customers have the right to file written objections to the proposed increase with the commission and to request a hearing to determine whether the rate increase should be allowed. The statement shall include the commission's mailing address, email address, and electronic filing system website address. The statement shall also direct customers to provide the commission with any facts that would assist the commission in determining the justness and reasonableness of the requested increase and shall indicate that the written objection will be made available to the consumer advocate, who represents the public interest in rate cases before the commission.

10. The utility shall include a list of commission-approved locations for consumer comment meetings, including the time, date, and place.

11. A statement indicating that, after a thorough investigation, the commission will make a determination on final rates, which may be different from those that the utility proposes, and that, if final rates are lower than interim rates or the interim rates are not based upon previously established regulatory principles, the utility shall make refunds, including interest, to customers.

12. A statement that the overall increase includes estimated rate case expense.

(3) The notice shall not contain a message from the utility about the proposed rate increase. The utility may include as a separate document a message from the utility.

(4) A copy of the notice with the final dates, cost figures, and cost percentages shall be filed with the commission in the rate proceeding docket at the time of customer notification, along with an exhibit showing the calculations of all amounts included in the notice with source references.

(5) The form of the notice, once approved by the commission, may not be altered except to include dates, cost figures, and cost percentages reflecting the latest updates. The size and quality of the type used in the notice shall be easily legible.

c. Deficiencies in nonstandard notices. Within 30 days of the utility's filing of its proposed customer notice, the commission shall either approve the notice or identify any deficiencies and set forth the corrections and additional information necessary for the notice to comply with Iowa Code chapter 476 and with commission rules. A notice found to be deficient under this rule shall not constitute adequate notice under Iowa Code section 476.6. If the commission fails to issue an order within 30 days of filing, the proposed notice shall be deemed approved without change.

d. Delivery of notices.

(1) The standard customer notice or the nonstandard notice, as approved by the commission, shall be mailed or delivered electronically to all affected customers pursuant to the timing requirements of paragraph 26.4(1)*"a."* Notice of proposed increases may be mailed with a regularly scheduled mailing of the utility. Electronic notice may only be sent to customers who have agreed to receive electronic billing notice and notice of other information from the utility.

(2) Standard customer notices and nonstandard notices shall be conspicuously marked "Notice of Proposed Rate Increase" on the notice itself. For notices delivered electronically, the subject line shall include "Notice of Proposed Rate Increase."

(3) Failure of the postal service or Internet service provider to deliver the notice to any customers shall not invalidate or delay the proposed rate increase proceeding.

(4) After the date the notice is mailed or delivered to any affected customer and until such rates are resolved in proceedings before the commission, any person who requests utility service and is affected by the proposed increase in rates shall receive either the standard customer notice or the nonstandard notice approved by the commission not later than 30 days after the date of commencement of service to the customer.

e. Telecommunications service provider rate increases. Subrule 26.4(1) is not applicable to telecommunications service providers.

26.4(2) *Applications.* Applications for a general increase in rates based upon either a historic test year or future test year shall include the filing requirements in this rule.

a. The utility shall file a cover sheet or index listing each minimum filing requirement and identify all documents applicable to each requirement filed to support an application for a general rate increase. The application and minimum filing requirements shall not be accepted by the commission until all of the documents listed have been filed.

b. The commission may require the utility to provide additional information during the commission's review of the application. Within 30 days of the date the application is filed, the commission may reject an application that is not in substantial compliance with the filing requirements in subrule 26.4(4) for a historic test year application or subrule 26.4(5) for a future test year application.

c. No application, pleading, document, testimony, or other submission filed with a tariff incorporating a general increase in rates for utility service shall be rejected for noncompliance after the date of a commission order docketing the tariff and application as a formal proceeding.

26.4(3) *Temporary rate authority pursuant to Iowa Code section 476.6.*

a. A utility that chooses to implement temporary rates pursuant to Iowa Code section 476.6(9) shall file the following information with its application for permanent rates:

(1) A statement that the utility has elected to implement temporary rates pursuant to Iowa Code section 476.6(9).

(2) A bond or other corporate undertaking subject to review and approval by the commission that, at a minimum, is equal to the increased amount of revenue that will be recovered through temporary rates. The bond or corporate undertaking shall include a commitment to refund, as directed by the commission, any amounts the commission determines are in excess of the amounts that would have been collected under final rates ultimately approved by the commission and amounts that are not supported by established regulatory principles.

(3) The established regulatory principles that support the amounts included in the temporary rate filing may be established by statute, court decision, or by commission orders where the regulatory issue was not settled.

(4) All workpapers supporting the request for temporary authority.

b. Objections to the temporary rates put into effect pursuant to Iowa Code section 476.6(9) shall be raised as an issue in the general rate proceeding through prepared testimony filed by a party and shall be addressed by the commission at the hearing and in the commission's final rate order unless otherwise ordered by the commission.

c. The return on equity used to calculate temporary rates shall not be greater than the return on equity proposed by the utility for permanent rates. The return on equity proposed for permanent rates is a cap and is not presumed reasonable for temporary rates.

26.4(4) *Testimony and exhibits to support applications based on a historic test year.* A utility proposing changes in tariffs or rates that relate to a general increase in revenue based upon a historic test year shall prepare and file with its proposed tariff the following evidence in the form of testimony and exhibits:

a. Factors relating to value. A statement showing the original cost of the items of plants and facilities, for the beginning and end of the last available calendar year, and any other factors relating to the value of the items of plants and facilities the utility deems pertinent to the commission's consideration, together with information setting forth budgeting accounts for the construction of scheduled improvements.

b. Comparative operating data. Information covering the test year.

(1) Operating revenue and expenses by primary account.

(2) Balance sheet at beginning and end of test year.

c. Test year and pro forma income statements. Information setting forth revenues, expenses, net operating income for the last available calendar year, the adjustment of unusual items, and by adjustment to reflect operations for a full year under existing and proposed rates. The format of the information to be filed is available on the commission's website at iuc.iowa.gov.

d. Additional testimony and exhibits for utilities. Unless otherwise specified in these rules, the information filed pursuant to this paragraph shall be based upon the calendar year immediately preceding the year in which the application for a general rate increase is filed.

(1) Rate base for Iowa jurisdictional operations calculated by utilizing a 13-month average of month-ending balances ending on December 31 of the year preceding the year of filing, and also calculated on a year-end basis, except for the cash working capital component of this figure, which will be computed on the basis of a lead-lag study as set forth in subparagraph 26.4(4)*"d"*(5).

(2) Revenue requirements for both total company and Iowa jurisdictional operations, to include operating and maintenance expenses, depreciation, taxes, and return on rate base.

(3) Capital structure calculated utilizing a 13-month average of month-ending balances ending on December 31 of the year preceding the year of filing, and also calculated on a year-end basis.

(4) Information supporting the proposed capital structure and information showing the calculation of the proposed capital cost for each component of the capital structure and showing requested return on rate base with capital structure and corresponding capital cost.

(5) Cash working capital requirements, including a recent lead-lag study that accurately represents conditions during the test period.

(6) Information showing monthly Iowa jurisdictional expense by account as required by 199—Chapter 16 unless, upon application of the utility and prior to filing, the commission finds that the utility is incapable of reporting jurisdictional expense on a monthly basis and prescribes another periodic basis for reporting jurisdictional expense.

(7) A schedule of monthly consumption (units sold) and revenue by customer rate classes, reflecting separately revenue collected in base rates and adjustment clause revenues.

(8) Information showing that the rates proposed will produce the revenues requested, also known as the proof of revenue calculation. The proof of revenue calculation should separately reflect revenue collected in base rates, revenue collected through all applicable adjustment clauses, sales for resale, and other revenues and the documentation should reconcile directly with the revenue requirement calculation, along with information showing the dollar and percent increases expected for the average rate of consumption and at the 25th and 75th percentile within major rate classes. In addition to this information, the utility shall submit in support of the design of the proposed rate a narrative statement describing and justifying the objectives of the design of the proffered rate. If the purpose of the rate design is to reflect costs, the narrative statement should state how that objective is achieved and be accompanied by a cost analysis that would justify the rate design. If the rate design is not intended to reflect costs, a narrative statement should be furnished justifying the departure from cost-based rates.

(9) All monthly or periodic financial and operating reports to management beginning in January two years preceding the year of filing. The item or items to be filed under this rule include reports of sales, revenue, expenses, number of employees, number of customers, or similar data, and related statistical material. This requirement shall be a continuing one, to remain in effect through the month that the rate proceeding is finally resolved.

(10) Information showing monthly tax accruals, separated between federal, state, and property taxes, including the methods used to determine these amounts.

(11) Allocation methods, including formulas, supporting revenue, expenses, and plant or tax allocations.

(12) Information showing interest rates, dividend rates, amortizations of discount and premium and expense, and unamortized 13 monthly balances of discount and premium and expense, ending on December 31 of the year preceding the year of filing, for long-term debt and preferred stock.

(13) Information showing the 13 monthly balances of common stock expense, ending on December 31 of the year preceding the year of filing.

(14) Information showing the 13 monthly balances of paid-in capital in excess of par, separated between common and preferred stock, ending on December 31 of the test year.

(15) Stockholders' reports, including supplements for the year of filing and the two preceding calendar years. If such reports are not available at the time of filing, they shall be filed immediately upon their availability to stockholders.

(16) If applicable, Securities and Exchange Commission Form 10-Q for all past quarters in the year of filing and the preceding calendar year, and Form 10-K for the two preceding calendar years or, if applicable, comparable filings for corporations headquartered outside the United States. If these forms

have not been filed with the Securities and Exchange Commission at the time the rate increase is filed, they shall be filed under this subrule immediately upon filing with the Securities and Exchange Commission. This requirement is not applicable for any such reports that are routinely and formally filed with the commission.

(17) Any prospectus issued during the year of filing or during the two preceding calendar years.

(18) Consolidated and consolidating financial statements.

(19) Revenue and expenses involving transactions with affiliates and the transfer of assets between the utility and its affiliates, and transactions between the utility and the utility's parent company.

(20) Information showing the following for each of the ten calendar years preceding the year of filing, and for each quarter from the first quarter of the calendar year immediately preceding the year of filing through the current quarter.

1. Earnings, annual dividends declared, annual dividends paid, book value of common equity, and price of common equity (each item should be shown per average actual common share outstanding, adjusted for stock splits and stock dividends).

2. Rate of return to average common equity.

3. Common stock earnings retention ratio.

4. For other issues of common stock: net proceeds per common share issued and number of shares issued and previously outstanding for each issue of common stock.

(21) If the utility is applying for a gas rate increase, the model used to calculate the weather normalization adjustment and documentation supporting the model inputs. The weather normalization model preferred by the commission is available on the commission's website at iuc.iowa.gov.

(22) A statement that no direct or indirect lobbying expenses or advertising expenses not allowed by Iowa Code section 476.18 are included for recovery in the proposed rates.

(23) All testimony and exhibits in support of the rate filing, attached to affidavits of the sponsoring witnesses. All known and measurable changes in costs and revenues upon which the utility relies in its application shall be included.

1. Unless otherwise required, all testimony, exhibits, and other information shall be filed in the commission's electronic filing system as described in the "Electronic filing procedures and required formats" rule of 199—Chapter 14. In addition, three paper copies of any documents filed electronically in the commission's electronic filing system, including confidential information, shall be provided to the commission and three copies to the consumer advocate within five days of the date the application is filed. The utility is not required to print voluminous workpapers that only provide supporting information as long as the utility has filed a summary of the information and the utility includes a page in the printed material that indicates the information in the workpapers that has not been printed and where that information is found in the application or minimum filing requirements. The commission or the consumer advocate may request a printed copy of this information if the information is required for review of the application or minimum filing requirements. The paper copies shall be certified by an officer of the utility or by an attorney representing the utility.

2. If the utility that has filed for the rate increase is affiliated with another company as either parent or subsidiary, the information required in subparagraphs 26.4(4)*"d"*(3), (4), (12) through (18), and (20) shall be provided for the parent company (if any) and for all affiliates that are not included in the consolidating financial statements filed pursuant to this rule.

e. At the time of filing an application for increased rates based upon a historic test year, all utilities shall file, as exhibits to testimony, all workpapers and data used to prepare the analyses, including the Excel spreadsheet version of each Excel-based document containing all formulae, calculations, and specific source references to all keyed-in data. The Excel spreadsheets shall be searchable.

f. The utility may file any other testimony and exhibits that it deems pertinent to the application.

g. In rate-regulatory proceedings under Iowa Code section 476.6, the commission shall consider the use of the most current test period possible in light of existing and verifiable data respecting costs and revenues available as of the date of commencement of the proceedings.

h. Known and measurable changes. In rate-regulatory proceedings under Iowa Code section 476.6, the commission shall consider:

(1) Verifiable data, existing as of the date of commencement of the proceedings, respecting known and measurable changes in costs not associated with a different level of revenue, and known and measurable revenues not associated with a different level of costs that are to occur within 12 months after the date of commencement of the proceedings.

(2) Data that becomes verifiable prior to the closing of the record at the hearing respecting known and measurable:

1. Capital infrastructure investments that will not produce significant additional revenues and will be in service in Iowa within nine months after the conclusion of the test year.

2. Cost of capital changes that will occur within nine months after the conclusion of the test year that are associated with a new generating plant that has been the subject of a ratemaking principles proceeding pursuant to Iowa Code section 476.53.

3. Verifiable data filed pursuant to subparagraph 26.4(4)*"h"*(2) shall be provided to other parties as soon as the data is available so that other parties have a reasonable opportunity to verify the data to be considered by the commission.

i. Postemployment benefits other than pensions. For ratemaking purposes, the amount accrued for postemployment benefits other than pensions in accordance with ASC Topic 715 will be allowed in rates where:

(1) The net periodic postemployment benefit cost and accumulated postemployment benefit obligations have been determined by an actuarial study completed in accordance with the specific methods required and outlined by ASC 715-60-35.

(2) The accrued postemployment benefit obligations have been funded in a commission-approved, segregated, and restricted trust account, or alternative arrangements have been approved by the commission. Cash deposits shall be made to the trust at least quarterly in an amount that is proportional and, on an annual basis, at least equal to the annual test period allowance for postemployment benefits other than pensions.

(3) The transition obligation is amortized over a period of time determined by the commission and does not exceed 20 years.

(4) Any funds, including income, returned to the utility from the trust not actually used for postemployment benefits other than pensions shall be refunded to customers in a manner approved by the commission.

(5) The commission finds the benefit program and all calculations are prudent and reasonable.

j. An actuarial study of the net periodic postemployment benefit cost and accumulated postemployment benefit obligations shall be determined and filed with the commission at the time a rate increase is requested, when there has been a change in postemployment benefits other than pensions offered by the utility, or every three years, whichever comes first.

k. The utility shall provide its revenue requirement calculation in an Excel spreadsheet. The required spreadsheet format for this calculation is available on the commission's website at iuc.iowa.gov.

26.4(5) *Filing requirements to support applications based on a future test year.* An application for a general increase in rates based upon a future test year may be based upon one test year for each type of service or one test year for a combined application for two types of service. If the application is for an increase in rates for two types of service, the application shall include separate financial schedules for each type of service and specifically identify in testimony, exhibits, and workpapers the type of service being addressed. An application for a general increase in rates based upon a future test year shall not be filed prior to the effective date of a final order regarding the subsequent proceeding in a previous proceeding based upon a future test year. An application for a general increase in revenue based upon a future test year shall include the following information to support the application:

a. For each forecast for a major component of the rate application, the utility will provide the following information:

(1) Describe how each forecast was developed and include a description of the applicable starting point.

(2) Explain how and why the applicable assumptions, methods, models, and modeling inputs were used.

(3) Identify and explain any significant changes in forecast assumptions, adjustments, or methodology since the utility's last rate case or contested case review.

b. For each revenue component, the utility's application shall include the following information for the test year:

(1) Operations and maintenance expenses by FERC Account or NARUC Account, or functional grouping, including:

1. Any amounts previously specifically disallowed by the commission or otherwise eliminated from current rates.

2. Any regulatory amortizations previously authorized by the commission or that are being requested.

3. Additional detail outlining operations and maintenance expenses by labor costs and nonlabor costs.

4. Additional detail bifurcating operations and maintenance expenses that are recovered through automatic adjustment mechanisms.

(2) Utility payroll reconciliation, including distribution of total payroll between plant, operations, and maintenance, and any other accounts.

(3) Taxes other than income taxes.

(4) Income taxes, including any net operating losses (NOL) or tax credits generated or utilized.

(5) Utility plant and other rate base by major functions provided in the utility's FERC Form 1, FERC Form 2 or Form WA-1, including:

1. Monthly utility plant in service by major function, summarizing and explaining plant additions, retirements, and transfers.

2. Monthly accumulated reserve for depreciation and amortization by major function, detailing depreciation, retirements, removal, salvage, and other amortizations or adjustments.

3. Depreciation and amortization expense by primary account or functional group.

4. Any regulatory amortizations previously authorized by the commission or being requested, including unamortized balances.

5. Utility working capital rate base, including a lead-lag study.

6. Monthly balances of other adjustments to utility rate base.

(6) Revenue and expenses involving transactions with affiliates and the transfer of assets between the utility and its affiliates, and transactions between the utility and the utility's parent company.

(7) Projected revenue requirement for operations, to include operating and maintenance expense, depreciation, taxes, and return on rate base.

(8) Monthly and annual billing unit information by rate schedule.

1. Provide an explanation of any significant changes in the number of customers or usage between the most recent calendar year and the test year billing units.

2. The data and support should identify and explain weather normalization methods, growth expectations, time period used as the base for building test year sales, and discrete adjustments to the base sales forecast and associated energy impacts.

3. Provide monthly and annual kilowatt-hour or therm sales by rate schedule, monthly and annual weather-normalized kilowatt-hour or therm sales, and monthly and annual customer numbers.

(9) Proof of revenue documentation showing that the rates proposed will produce the total requested revenue requirement. The proof of revenue should separately reflect revenue collected in base rates, revenue collected through all applicable adjustment clauses, sales for resale, and other revenues.

(10) Rate impact information showing the dollar and percent increases expected within the average rate of consumption, and at the 25th and 75th percentile, within major classes.

(11) Narrative statement describing and justifying the objectives of the proposed rate design. If the purpose of the rate design is to reflect projected costs, the narrative statement should state how that objective is achieved and be accompanied by a cost-of-service study that would justify the rate design. If the rate design is not intended to reflect projected costs, a narrative statement should be furnished describing and justifying the departure from cost-based rates.

(12) Allocation methods, including formulas, supporting projected revenue, expenses, plant, or tax allocations.

(13) A statement that no direct or indirect lobbying expenses or advertising expenses not allowed in Iowa Code section 476.18 are included for recovery in the proposed rates.

c. The utility shall file the following financial information:

(1) Projected capital structure.

(2) Information showing the calculation of the proposed capital cost for each component of the capital structure and information showing requested return on rate base with capital structure and corresponding capital cost for the test year, including:

1. Debt issuances, principal repayments, and retirement of debt, all by month.
2. Preferred stock issuances and retirements, all by month.
3. Common stock estimated net income, dividends, and capital infusions, all by month.
4. Source and use of funds schedule (cash flow) from the most recent actual balances, all by month.
5. Interest rates and dividend rates.
6. Amortizations of discount, premium, and expense, and unamortized balances of discount, premium, and expense for long-term debt and preferred stock, all by month.
7. Common stock expense, all by month.
8. Capital in excess of par, separated between common and preferred stock, by month.

(3) Projected balance sheet and income statement.

(4) Stockholders' reports, including supplements for the year of filing and the two preceding calendar years. If such reports are not available at the time of filing, they shall be filed immediately upon their availability to stockholders.

(5) If applicable, Securities and Exchange Commission Form 10-Q for all past quarters in the year of filing and the preceding calendar year, and Form 10-K for the two preceding calendar years or, if applicable, comparable filings for corporations headquartered outside the United States. If these forms have not been filed with the Securities and Exchange Commission at the time the rate increase is filed, they shall be filed under this subrule immediately upon filing with the Securities and Exchange Commission. This requirement is not applicable for any such reports that are routinely and formally filed with the commission.

(6) Any prospectus issued during the year of filing or during the two preceding calendar years.

(7) Consolidated and consolidating financial statements for the calendar year preceding the filing.

(8) Information showing the following for each of the ten calendar years preceding the year of filing, and for each quarter from the first quarter of the calendar year immediately preceding the year of filing through the current quarter.

1. Earnings, annual dividends declared, annual dividends paid, book value of common equity, and price of common equity (each item should be shown per average actual common share outstanding, adjusted for stock splits and stock dividends).
2. Rate of return to average common equity.
3. Common stock earnings retention ratio.
4. For other issues of common stock: net proceeds per common share issued, and number of shares issued and previously outstanding for each issue of common stock.

d. The utility shall file three years of historic information for the following:

(1) Requirements listed in subparagraphs 26.4(5)*"b"*(1), (3), (4), (6), and (8), and subparagraph 26.4(5)*"b"*(5), except for the requirement in numbered paragraph "5."

(2) A reconciliation of the historic billing unit information to the sales included in the utility's annual report filings.

(3) Natural gas utilities shall also provide weather-normalized sales for each of the most recent three years on a calendar-year basis based on the commission's preferred weather normalization model. The weather normalization model preferred by the commission is available on the commission's website at iuc.iowa.gov.

e. The utility shall file actual updated monthly data 120 days after the filing of the application and file an update with the subsequent monthly data 30 days before the hearing for the following: subparagraphs 26.4(5)*"b"*(1), (3), (4), (6), and (8), and subparagraph 26.4(5)*"b"*(5), except for numbered paragraph "5," and subparagraphs 26.4(5)*"c"*(2) and (3).

f. The utility shall provide its revenue requirement calculation in an Excel spreadsheet. The required spreadsheet format for this calculation is available on the commission's website at iuc.iowa.gov.

g. Unless otherwise required, all testimony, exhibits, and other information shall be filed in the commission's electronic filing system as described in rule 199—14.5(17A,476). In addition, three paper copies of all of the documents filed by the utility, including confidential information, shall be provided to the commission and three copies to the consumer advocate within five days of the date the application is filed. The utility is not required to print voluminous workpapers that only provide supporting information as long as the utility has filed a summary of the information and the utility includes a page in the printed material that indicates the information in the workpapers and where that information is found in the application or minimum filing requirements. The commission or the consumer advocate may request a printed copy of this information if the information is required for review of the application or minimum filing requirements. The paper copies shall be certified by a utility official or an attorney representing the utility.

h. At the time of filing an application for increased rates based upon a future test year, all utilities shall file, as exhibits to testimony, all workpapers and data used to prepare the analyses, including the Excel spreadsheet version of each Excel-based document containing all formulae, calculations, and specific source references to all keyed-in data. The Excel spreadsheets shall be searchable.

i. Additional testimony and exhibits. The applicant may submit any other testimony and exhibits that the applicant deems relevant to the application.

199—26.5(17A,476) Compliance filings and tariffs.

26.5(1) A utility may file compliance filings and compliance tariffs at any time after the commission issues the final order in a rate proceeding unless otherwise ordered by the commission.

26.5(2) The consumer advocate and other parties have 20 days from the date the compliance filings and tariffs are filed with the commission to file responses, comments, or objections unless otherwise ordered by the commission.

26.5(3) Compliance tariffs shall become effective on the date approved by the commission or on a date set by the commission.

199—26.6(17A,476) Subsequent proceeding in rate case proceedings based upon a future test year.

26.6(1) *Time period for updates for subsequent proceeding.* The utility shall file within 90 days of the end of the verification period the information, exhibits, and workpapers described in subrule 26.6(2).

26.6(2) *Updated information required.* The filing required in subrule 26.6(1) shall include:

a. An update of the cost-of-service study, revenue allocation, resulting rates, and revenue verifications, based upon methodologies approved by the commission in the general rate proceeding, with actual costs, revenues, and sales applicable during the verification period.

b. A calculation of the utility's return on equity based upon the updated information, exhibits, and workpapers.

26.6(3) *Other parties' filing requirements.* Any party to the future test year rate proceeding, or any other party who is granted intervention in the subsequent proceeding, may file a response to the return on equity calculation, and other information, exhibits, and workpapers, filed by the utility with information, exhibits, and workpapers within 30 days of the date the utility files its information, exhibits, and workpapers.

26.6(4) *Commission order required.* The commission shall issue, within 60 days of the utility's filing, an order that finds the actual costs and revenues are reasonably consistent with the costs and revenues approved by the commission or shall set the matter for hearing to address questions from the commission. If the commission determines that the actual return on equity of the utility during the verification period falls within a standard of reasonableness of 50 basis points above or 50 basis points

below the return on equity approved by the commission, the actual costs and revenues shall be presumed to be reasonably consistent with the costs and revenues approved by the commission.

26.6(5) *Hearing to be scheduled.* If the commission determines that the return on equity based upon actual costs and revenues does not fall within the standard of reasonableness in subrule 26.6(4) or the commission has questions about any of the information, exhibits, and workpapers filed by the utility, the commission shall schedule the review of the actual costs and revenues for hearing. The hearing date of the subsequent proceeding shall be set no more than 90 days from the date the utility files its information, exhibits, and workpapers unless otherwise ordered by the commission. The issues to be considered at the hearing are the review of any inconsistencies between actual costs and revenues compared to the costs and revenues approved by the commission. The utility shall, and other parties may, provide witnesses to respond to commission questions at the hearing and parties may ask questions of the witnesses.

26.6(6) *Order addressing issues in subsequent proceeding.* The commission shall issue a final order within 120 days of the filing of the utility's information, exhibits, and workpapers required in subrule 26.6(2) unless otherwise ordered by the commission. In the order, the commission will determine whether the actual costs and revenues are reasonably consistent with the costs and revenues approved by the commission and whether there should be any adjustment in rates based upon the commission's determination. Any increase or reduction in rates based upon a return on equity outside of the standard of reasonableness band shall be calculated in relation to the band and not the return on equity approved by the commission.

199—26.7(476) Rate case expense.

26.7(1) A utility making an application pursuant to Iowa Code section 476.6 shall file, within one week of the docketing of the rate case, the estimated or, if available, actual expenses incurred to date or to be incurred by the utility in litigating the rate case. Except for expenses incurred in preparation of the rate filing and notification of customers, the expenses shall be limited to expenses incurred in the time period from the date the initial application is filed through the filing of the utility's briefs unless the time period is extended by the commission on a case-by-case basis. Each expense shall be designated as either estimated or actual.

26.7(2) Estimated or, if available, actual expenses specifically identifying:

a. Printing costs for the following:

(1) Rate notification letters.

(2) Initial filing.

(3) Testimony.

(4) Briefs.

(5) Other (specify).

b. Postage costs.

c. Outside counsel costs, including support personnel:

(1) The name of each attorney contracted for as outside counsel and the names of support personnel.

(2) Hours worked by each attorney engaged as outside counsel and support personnel.

(3) Cost per hour charged by each attorney and support personnel and support for the reasonableness of the rate.

(4) Scope of work and reason outside counsel was needed.

d. Outside expert witness/consultant costs:

(1) The name of each outside consultant employed.

(2) Hours each outside consultant worked.

(3) Cost per hour charged by each consultant employed and support for the reasonableness of this rate.

(4) Scope of work and reason consultant was needed.

If a flat-fee arrangement is used for the services of an outside expert witness/consultant, the other information in this paragraph is still required to be provided.

e. Expenses stated by individual for outside consultants, outside counsel, and utility personnel:
(1) Travel.
(2) Hotel.
(3) Meals.
(4) Other (specify).
f. Other (specify).

26.7(3) Rate case expense shall not include recovery for expenses that are otherwise included in temporary or test year expenses, including salaries for staff preparing the filing, staff attorneys, and staff witnesses. Rate case expense approved for recovery from customers shall include only reasonable, nonrecurring, incremental expenses not covered by test year expenses for the period stated in subrule 26.7(1).

26.7(4) Total allowable rate case expense shall include expenses incurred by commission staff and the consumer advocate for the time period stated in subrule 26.7(1). The rate case expense to be filed by the utility shall not include these expenses.

26.7(5) Estimated rate case expense may be litigated during or after the rate case proceeding. The commission may schedule additional hearings to litigate the reasonableness of the final expenses. At the request of the consumer advocate, another party, or the commission, the utility shall make witnesses available for cross-examination on any rate case expense item included in rate case expense.

26.7(6) Actual utility expenses shall be filed in the same format and detail as estimated expenses and shall be filed within two weeks after the utility files its reply brief or at some other point as approved by the commission. All material differences between estimated and actual expenses shall be fully supported and justified. Objections to actual utility expenses shall be filed within 15 days of the filing of actual expenses.

26.7(7) The recovery mechanism for rate case expense shall be through a rider unless the commission finds that the circumstances justify an alternative recovery mechanism. The applicable recovery period will be determined in the rate proceeding. Recovery through a rider will end once the expense is fully recovered.

26.7(8) A utility may recover rate case expenses for the subsequent proceeding for the preparation of the information and filing required in rule 199—26.6(17A,476) through the date of the filing. A utility may request recovery of additional rate case expenses on a case-by-case basis.

199—26.8(476) Procedural schedule in Iowa Code section 476.6 proceedings.

26.8(1) In any proceeding initiated by a utility filing for new or changed rates, charges, schedules, or regulations pursuant to Iowa Code section 476.6, the commission or presiding officer shall set a procedural schedule. The procedural schedule for an application for a general rate increase and associated revised tariffs shall be as follows unless otherwise ordered by the commission:

a. Direct testimony and exhibits from the consumer advocate and other parties filed within 150 days from the date the application for a general rate increase is filed.

b. The consumer advocate's and other parties' cross-rebuttal testimony and exhibits filed 15 days after responsive testimony.

c. Rebuttal testimony and exhibits from the utility filed not later than 180 days from the date the application for a general rate increase is filed.

d. Hearing completed not later than 225 days from the date the application for a general rate increase is filed.

e. Briefs of all parties filed not later than 255 days from the date the application for a general rate increase is filed.

26.8(2) In setting the procedural schedule in a case, the commission or presiding officer shall take into account the existing hearing calendar and shall give due regard to other obligations of the parties, attorneys, and witnesses. The commission or presiding officer may, on the commission's or the presiding officer's own motion or upon the motion of any party, for good cause shown, change the time and place of any hearing. Any effect such a change has on the remainder of the procedural schedule or the deadline for decision shall be addressed when the change is ordered.

26.8(3) Additional time may be granted to a party upon a showing of good cause for the delay on a case-by-case basis.

26.8(4) If any party wishes to utilize the electric generating facility exception to the 10-month decision deadline contained in Iowa Code section 476.6, the party shall expeditiously file a motion seeking this exception, including an explanation of that portion of the suspended rates, charges, schedules, or regulations necessarily connected with the inclusion of the generating facility in rate base.

199—26.9(17A,476) Consumer comment meetings in Iowa Code section 476.6 general rate case proceedings.

26.9(1) The commission may require a utility to hold consumer comment meetings to provide an opportunity for members of the general public who are customers of a utility involved in a general rate case to express their views regarding the case before the commission as well as the general quality of service provided by the utility. However, specific service complaints must follow the procedure prescribed in rule 199—6.2(476).

26.9(2) The location of consumer comment meetings shall be approved by the commission and included in a notice to customers. A member of the commission or commission's delegee shall be assigned to preside over a consumer comment meeting. Representatives from the utility shall be present to explain, in a concise manner, the pertinent points of the utility's proposal. The utility's representatives shall also reasonably respond to any questions directed to the utility either at the consumer comment meeting or in a subsequent filing in the docket.

26.9(3) The consumer comment meeting shall be held in a major population center served by the utility at a time of day convenient to the largest number of customers. The commission may require consumer comment meetings to be scheduled at multiple locations. Each meeting shall be conducted in a facility large enough to accommodate all who wish to attend.

26.9(4) Individuals may submit written comments to the commission. Written comments shall become part of the permanent case file but shall not constitute evidence in the rate proceeding.

199—26.10(476) Switching from a future test year to a historic test year. A utility shall not file an application for a general rate increase using a historic test year until after the commission issues a final order in the future test year subsequent proceeding.

199—26.11(476) Rate proceedings for small utilities. For purposes of this rule, a small utility means a utility subject to rate regulation that serves fewer than 10,000 customers. A small utility that has had a rate case before the commission within the past 10 years is eligible to file an application for a rate increase under this rule no more frequently than once every 24 months.

26.11(1) At least 60 days prior to filing an application under this rule, a utility shall participate in a public technical conference with commission staff and the consumer advocate at which the utility shall provide an overview of its planned rate increase application.

26.11(2) A utility filing under this rule is subject to the notice requirements of subrule 26.4(1) and the temporary rate provisions of subrule 26.4(3).

26.11(3) A utility's filing under this rule will take the form of a proposed tariff with a 30-day effective date along with supporting testimony and exhibits. The commission will docket the proposed tariff for further review.

26.11(4) A utility shall file information showing the revenue requirement and revenue deficiency for Iowa jurisdictional operations, a template for which can be found on the commission's website at iuc.iowa.gov. If the utility is applying for a gas rate increase, the utility shall file information utilizing the weather normalization model available on the commission's website.

26.11(5) The filing shall be based upon the following assumptions:

a. Adjustments to book values shall be limited to 400 series accounting entries that are required to be excluded from rates.

b. Return on equity (ROE) will be based on ROEs approved for utilities by the commission in the prior 24 months, or if the commission has not approved a ROE in the past 24 months, the utility shall use the average of the ROEs approved by other jurisdictions for the same utility service for the year

preceding the date of filing, provided there was a minimum of five such approvals. If there was not a minimum of five such approvals, the commission may extend the one-year period as necessary to increase the number of approvals to five or more, or may make such other provision of ROE as the commission may determine to be just and reasonable.

c. Utility and parent capital structures will be the same as those approved in the utility's last rate case.

26.11(6) The proposed overall rate increase will be applied uniformly to all rates and charges so that no changes in class cost-of-service allocations occur.

26.11(7) No new rates, charges, or riders shall be proposed.

26.11(8) The commission establishes a rebuttable presumption that rate case expense in excess of $150,000 for a filing under this rule is unreasonable.

26.11(9) The recovery mechanism for rate case expense shall be through a rider unless the commission finds that the circumstances justify an alternative recovery mechanism. The applicable recovery period will be determined in the rate proceeding. Recovery through a rider will end once the expense is fully recovered.

26.11(10) The commission shall issue an order granting, modifying, or rejecting the proposed rate increase within 90 days of the tariff required in subrule 26.11(3).

199—26.12(17A,476) Applications pursuant to Iowa Code section 476.6 that are not general rate increase applications. At the time a utility, other than a rural electric cooperative that has elected to be rate regulated by the commission, files for new or changed rates, charges, schedules, or regulations, except in conjunction with general rate increase applications, the utility shall file the following:

26.12(1) Any cost, revenue, or economic data underlying the filing.

26.12(2) An explanation of how the proposed tariff would affect the rates and service of the utility.

26.12(3) All testimony and exhibits in support of the filing, attached to affidavits of the sponsoring witnesses.

26.12(4) Automatic adjustment clauses. The notice requirements in this chapter do not apply to rates filed pursuant to an automatic adjustment mechanism approved by the commission. Nothing in this subrule prohibits a utility from making provision for the automatic adjustment of rates for utility service, provided that a schedule showing the automatic adjustment of rates is first filed with and approved by the commission. The initial approval of an automatic adjustment mechanism requires notice to customers.

199—26.13(17A,476) Rate investigation pursuant to Iowa Code section 476.3. Complaints filed pursuant to Iowa Code section 476.3(1) shall follow the procedures in 199—Chapter 6. The commission shall commence a formal rate investigation as required by Iowa Code section 476.3(2) if a petition is filed by the consumer advocate alleging that a utility's rates are excessive. Rate complaint investigations to review the allegation made pursuant to Iowa Code section 476.3(2) shall include prepared testimony, exhibits, and workpapers to support the issues raised in the petition, all of which shall conform to the filing requirements for historic test year applications in subrule 26.4(4).

199—26.14(17A,476) Applications pursuant to Iowa Code section 476.7.

26.14(1) Any utility filing an application with the commission requesting a determination of the reasonableness of its rates, charges, schedules, service, or regulations shall submit at the time the application is filed testimony and exhibits to fully support the utility's filing. All such testimony and exhibits shall be given or presented by competent witnesses, under oath or affirmation, at the proceeding ordered by the commission as a result of the application, and the proceeding shall be governed by the applicable provisions of 199—Chapter 7 and rule 199—26.4(17A,476).

26.14(2) All of the foregoing requirements shall apply in the event the commission, on its own motion, initiates a formal proceeding to determine the reasonableness of a utility's rates, charges, schedules, service, or regulations.

26.14(3) All testimony and exhibits shall be marked and identified in compliance with the naming convention as described in the commission's electronic filing system filing standards or as required by commission order.

199—26.15(17A,476) Proposal of settlements.

26.15(1) In proposed settlements that resolve all revenue requirement issues in a rate case proceeding, parties to the settlement shall jointly file the revenue requirement calculations reflecting the adjustments proposed to be settled and the following cost-of-service information: an updated cost-of-service study showing the allocation of costs to customer classes, alternative revenue allocations if applicable, the resulting rates, the revenue verification, the overall percentage increase in revenue, and the overall increase to total revenues and base rate revenues by class as compared to test year revenues. If the cost of service that supports the settlement is not agreed to by all of the settling parties, each party shall file the information based upon a party's position.

26.15(2) In proposed settlements that resolve some revenue requirement issues in a rate case proceeding and retain some issues for litigation, each party to the settlement shall file revenue requirement and bill impact calculations reflecting the adjustments proposed to be settled and the parties' positions on any remaining issues to be litigated in addition to cost-of-service information. Any party proposing a different revenue requirement shall provide the overall percentage increase in revenue based upon that party's position.

26.15(3) In proposed settlements that produce an agreed-upon revenue requirement as a mutually acceptable outcome to the proceeding without an agreement on each revenue requirement issue, parties to the settlement shall jointly file as exhibits to the settlement supporting documentation reflecting the specific adjustments for which the parties reached agreement and cost-of-service information. Any party proposing a different revenue requirement shall provide the overall percentage increase in revenue based upon that party's position.

26.15(4) For those revenue issues included in the proposed settlement that were not specifically resolved, the supporting documentation should identify the range between the positions of the parties. Any party proposing a different revenue requirement shall provide the overall percentage increase in revenue based upon that party's position.

26.15(5) Cost-of-service information to support a settlement may be filed up to five days after the settlement is filed.

199—26.16(476) Rate regulation election—electric cooperative corporations and associations.

26.16(1) *Application of rules.* Electric cooperative corporations and associations shall not be subject to the jurisdiction of the commission except as provided in Iowa Code section 476.1A and this chapter.

a. Procedure for election by members. Upon petition of not less than 10 percent of the members of an electric cooperative or upon its own motion, the board of directors of an electric cooperative shall order a referendum election to be held to determine whether the electric cooperative shall be subject to the jurisdiction of the commission. A petition for election shall be completed within 60 days of commencement.

(1) Any member of an electric cooperative desiring a referendum election shall sign a petition for election addressed to the board of directors of an electric cooperative, in substantially the following form:

PETITION FOR ELECTION
TO: (Board of Directors of subject electric cooperative) The undersigned members request you call an election to submit to the members the following proposition: Shall . . . (name of the electric cooperative) be subject to rate regulation by the Iowa Utilities Commission?

Signature	Address	Date

(2) Where signatures are made on more than one sheet, each sheet of the petition shall reproduce above the signatures the same matter as is on the first sheet. Each petitioner shall sign the petitioner's name in the petitioner's own handwriting and shall write the petitioner's address and the date on which the petitioner signed.

(3) The petition shall be filed with the board of directors of the electric cooperative and an election shall be held not less than 60 days nor more than 90 days from the date on which the petition was filed.

(4) On the election date, the board of directors of the electric cooperative shall mail by first-class mail to each member of the electric cooperative a ballot containing the following language:

Shall . . . (name of the electric cooperative) be subject to rate regulation by the Iowa Utilities Commission? Yes/No.

(5) The ballot shall also contain a self-addressed envelope to return the ballot to the secretary of the board of directors of the electric cooperative. The ballot shall be dated when received by the secretary. The ballot must be received by the secretary not more than 30 days after it was mailed to the members. The election procedure shall require a signature form for verification but shall not allow the signature to be traced to the vote of a particular member.

(6) The issue in the election shall be decided by a majority of the members voting, whose ballots are received by the secretary. Fifty-one percent of the membership shall constitute a quorum for the election. The secretary shall certify the results of the election and file the results with the commission within 30 days of the election.

b. Procedure for election by board. Upon the resolution of a majority of the board of directors of an electric cooperative, the board of directors may elect to be subject to the jurisdiction of the utilities commission. The secretary of the board of directors of the electric cooperative shall file a certified copy of the resolution with the board of directors within 30 days of the adoption of the resolution.

c. Effective date. Upon the resolution of a majority of the board of directors of an electric cooperative or when a majority of the members voting vote to place the cooperative under the jurisdiction of the commission, the utilities commission shall determine an effective date of its jurisdiction, which shall be not more than 90 days from the election. On and after the effective date of jurisdiction, the cooperative shall be subject to regulation by the utilities commission.

d. Prohibited acts. Funds of an electric cooperative shall not be used to support or oppose the issue presented in the election. Nothing shall prohibit a letter of explanation and direction from being enclosed with the ballot.

e. Procedure for exemption. After the cooperative has been under the jurisdiction of the commission for two years, the members or the board of directors of the electric cooperative may elect to remove the cooperative from under the jurisdiction of the commission as allowed by Iowa Code section 476.1A(4). If the membership elected to have the cooperative's rates regulated by the commission, only the membership may elect to exempt the cooperative from the rate regulation authority of the commission.

f. Frequency of election. An electric cooperative shall not conduct more than one election pursuant to this subrule within a two-year period.

26.16(2) *Rate increase requirements—rural electric cooperatives.* The commission's consideration of the fair and reasonable level of rates necessary for rural electric cooperatives that have elected to be subject to rate regulation by the commission shall include the following:

a. Minimum filing requirements. An electric cooperative subject to rate regulation proposing changes in tariffs or rates that relate to a general increase in revenue shall prepare and file with its proposed tariff evidence in the form of testimony and exhibits.

b. Factors relating to value. A statement showing the original cost of the items of plant and facilities, for the beginning and end of the last available calendar year, and any other factors relating to the value of the items of plant and facilities the utility deems pertinent to the commission's

consideration, together with information setting forth budgeting accounts for the construction of scheduled improvements.

c. Comparative operating data. Information covering the test year will include:

(1) Operating revenue and expenses by primary account.

(2) Balance sheet at beginning and end of the test year.

d. Test year and pro forma income statements. Information setting forth revenues, expenses, net operating income of the last available calendar year, the adjustment of unusual items, and by adjustment to reflect operations for a full year under existing and proposed rates. The format of the information to be filed is available on the commission's website at iuc.iowa.gov.

e. After investigation of the historic test year results and pro forma adjustments thereto, the commission shall determine the extent to which the applicant has met the following conditions:

(1) Revenues are sufficient for a times interest earned ratio between 1.5 and 3.0 for coverage of interest on outstanding utility short-term and long-term debt; or

(2) Revenues are sufficient for a debt service coverage ratio between 1.25 and 2.5 on utility long-term debt; or

(3) Utility operating margins are sufficient for a ratio between 1.5 and 2.5 of utility operating margins to interest on utility short-term and long-term debt; or

(4) Utility operating margins are sufficient for a ratio between 1.25 and 1.75 of utility operating margins plus utility depreciation, all divided by utility long-term interest plus principal; and

(5) Utility operating margins are sufficient to return utility patronage capital credits accumulated from utility operating margins, with a retention of such credits of no more than 20 years allowed, subject to modification where compelling circumstances require time period adjustments.

f. In addition to the information in subrule 26.12(2), evidence of the necessity for the requested rate relief may include but need not be limited to utility operating margins that will enable the cooperative to attain and maintain a reasonable ratio of utility long-term debt to retained utility operating margins. The cooperative's authorized construction program and an official policy statement of the cooperative's board of directors on a desired ratio will be considered factors in the determination of the reasonableness of any such ratio.

g. The commission's initial decision will become final 15 days following its date of issuance; however, if filed within that 15-day period, allegations of error by the cooperative or any intervenor as to the commission's findings of fact, together with a statement of readiness to present testimony, will serve to hold final disposition in abeyance pending the scheduling and completion of an evidentiary hearing. When such allegation is made, testimony in support of such position must be filed within 30 days of such filing. Upon receipt of the testimony, the commission will schedule additional filing dates and set the matter for hearing. When a hearing is scheduled, final disposition of the rate proceeding will be accomplished under the contested case provisions of Iowa Code chapter 17A and the commission's rules and regulations thereunder.

These rules are intended to implement Iowa Code sections 476.2, 476.3, 476.6, 476.7, and 476.33.

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State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER TWELVE

WHEREAS, the government of Iowa operates, year-to-year, pursuant to a balanced budget. The Governor, under the Budget and Financial Control Act, shall have "[t]he efficient and economical administration of all departments and establishments of government." Iowa Code, § 8.3(2).

WHEREAS, this control allows the Governor to "take care that the laws are faithfully executed." Iowa Cons. Art. IV, § 9.

WHEREAS, in Iowa's 178 years since statehood, the government has become too big, our regulations and laws too burdensome, and the taxes on individuals and businesses too high.

WHEREAS, since 2018 the Reynolds Administration has reduced income taxes, business taxes, and property taxes and eliminated taxes on retirement and inheritance.

WHEREAS, even with the tax cuts, Iowa ended last year with a $2 billion surplus, more than $960 million in reserve funds, and $3.75 billion in the Taxpayer Relief Fund.

WHEREAS, the Reynolds Administration has also worked to align state government for efficiency and better service to Iowans. In 2023, the Governor secured passage of legislation that reduced 37 executive-level cabinet agencies down to 16 through elimination or consolidation. In 2024, she secured passage of legislation eliminating or consolidating 83 state boards and commissions.

WHEREAS, the Reynolds Administration rescinded 62 outdated or unnecessary executive orders through Executive Order No. 11.

WHEREAS, during the first year of the Red Tape Review, pursuant to Executive Order No. 10, the Reynolds Administration reduced the Iowa Administrative Code by more than 1,200 rules, 500,000 words, and 16,000 restrictive terms.

WHEREAS, Senate File 2370 was enacted in 2024, which requires a regulatory analysis for every new rule that details the potential economic impact for the proposed rule. Additionally, new 5-year automatic sunset provisions on all rule chapters will ensure that rules are constantly being reviewed and only those that are necessary will continue through a repromulgation process.

WHEREAS, the current efforts of the Reynolds Administration are working and have received national recognition. For the third year in a row, the Cato Institute named Iowa the most fiscally responsible state. This year, Governor Reynolds became the first sitting governor to win the Tax Foundation's Distinguished Service Award.

WHEREAS, despite this progress, more needs to be done at the local, state, and federal level to improve efficiency, reduce the cost of government, and allow for further tax relief.

WHEREAS, on January 20, 2025, President Trump issued an executive order titled *Establishing and Implementing the President's Department of Government Efficiency*, which creates the federal DOGE.

WHEREAS, the Governor's DOGE task force will serve as a valuable resource to advise the federal DOGE and the Governor on how to reduce the cost of government, maximize the return on taxpayer investment, and leverage new technology at all levels – federal, state, and local.

MISSION

I. The Governor's DOGE task force shall expand on what Iowa has previously done to focus on the core function of government and reduce the cost of government at all levels.

II. Iowa DOGE will be guided by the words of Former President and Founding Father, Thomas Jefferson, who stated "[t]he government that governs least, governs best."

PURPOSE AND DUTIES

I. The Governor's DOGE task force is hereby established.

II. The duties of the Governor's DOGE task force shall include, but are not limited to, advising the Governor on:

a. Utilizing private sector insights on how to improve Iowa's workforce, including analyzing methods by which government can better support the private sector workforce, such as by streamlining and improving workforce training and work-based learning programs.

b. Analyzing ways to reduce the cost of government at all levels (state, local, and federal) and allow for a greater return on taxpayer investments in their government.

1. Identifying methods and processes for key performance indicator reviews.

2. Reviewing all Iowa Code chapter 28E agreements, which allow for governmental entities to enter into contracts with one another in order "to cooperate in other ways of mutual advantage," and "provide joint services and facilities"

3. Evaluating all regional and/or geographical boundary maps, layers of government, and unfunded mandates.

4. Assessing what activities, functions and/or services that government is performing that are outside of government's core function and should be eliminated.

5. Locating opportunities to encourage the streamlining and consolidation of federal awards and grants, such as the use of block grants.

c. Evaluating opportunities to better utilize innovation and technology in government including, but not limited to, utilizing artificial intelligence (AI), automation, and other methods of advanced technology as a means for improving government efficiency and reducing the cost of government.

d. Advising the Governor on any other matters pertaining to the scope of this Executive Order.

ORGANIZATION AND OPERATION

I. DOGE Membership: the Governor's DOGE task force shall consist of 15 members appointed by the Governor. Members will include individuals with expertise in efficiency, management, and technology. The task force shall include at least two members from local government.

II. DOGE Chairperson: a chairperson shall be selected by the Governor. The chairperson shall preside over the Governor's DOGE task force meetings and serve at the pleasure of the Governor.

III. Working Groups: the Governor's DOGE task force may appoint, with the approval of the Governor, working groups to assist the task force. The working groups and members shall serve at the pleasure of the Governor and without compensation.

IV. Meetings and Final Report: the Governor's DOGE task force shall hold its first public meeting within 60 days of the date of this order and submit its report and recommendations to the Governor within 180 days of the date of the task force's first public meeting.

V. Service as Members: each appointed member of the Governor's DOGE task force shall serve at the pleasure of the Governor without compensation.

VI. Staffing and Support: staffing and administration assistance for the Governor's DOGE task force may be provided by the Governor's office and/or by other agencies, persons, or organizations, from time to time, as deemed necessary and approved by the Governor.

VII. Public Portal: the Division of Information Technology for the Department of Management shall work with the Governor's DOGE task force to establish a public portal. Further, the Governor's DOGE will operate an X social media account using the handle @IowaDOGE where the public can also provide feedback and recommendations. Public participation helps support efficiency and reduce bureaucracy, overregulation, and red tape.

IMPLEMENTATION AND INTERPRETATION

VIII. All departments, agencies, boards, commissions, or other political subdivisions of any state and local governments shall cooperate fully with the Governor's DOGE task force. The task force may seek the expertise and services of individuals and entities outside of its membership for research, advice, and other needs, as necessary or appropriate, to accomplish its mission.

IX. All work of the Governor's DOGE task force shall be done in a manner consistent with laws and regulations of the State of Iowa, and of the laws and regulations of the United States of America.

X. This Executive Order shall be interpreted in accordance with all applicable laws and regulations and shall not supersede any laws or regulations in place as of its effective date. If any provision of this Executive Order is found to be invalid, unenforceable, or otherwise contrary to applicable law, then the remaining provisions of this Executive Order, as applied to any person or circumstance, shall continue in full force and effect, and shall not be affected by such finding of invalidity or unenforceability.

XI. This Executive Order does not create any right or benefit, substantive or procedural enforceable at law or in equity, by any party against the State of Iowa, its departments, agencies, or political subdivisions, or its officers, employees, agents, or any other persons.

XII. This Executive Order shall apply prospectively only as of its effective date.

XIII. This Executive Order shall expire upon the submission of a final report to the Governor unless otherwise extended, in writing, by the Governor.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA ON THIS TENTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-FIVE.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE