IOWA ADMINISTRATIVE BULLETIN

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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).

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."

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Dec. 17 '25	Jan. 7	Jan. 27	Jan. 29	Feb. 18	Mar. 10	Mar. 25	Mar. 26	Apr. 15	May 20	Aug. 17
Dec. 31 '25	Jan. 21	Feb. 10	Feb. 12	Mar. 4	Mar. 24	Apr. 8	Apr. 9	Apr. 29	June 3	Aug. 31
Jan. 15	Feb. 4	Feb. 24	Feb. 26	Mar. 18	Apr. 7	Apr. 22	Apr. 23	May 13	June 17	Sep. 14
Jan. 29	Feb. 18	Mar. 10	Mar. 12	Apr. 1	Apr. 21	May 6	**May 6**	May 27	July 1	Sep. 28
Feb. 12	Mar. 4	Mar. 24	Mar. 26	Apr. 15	May 5	May 20	May 21	June 10	July 15	Oct. 12
Feb. 26	Mar. 18	Apr. 7	Apr. 9	Apr. 29	May 19	June 3	June 4	June 24	July 29	Oct. 26
Mar. 12	Apr. 1	Apr. 21	Apr. 23	May 13	June 2	June 17	**June 17**	July 8	Aug. 12	Nov. 9
Mar. 26	Apr. 15	May 5	**May 6**	May 27	June 16	July 1	July 2	July 22	Aug. 26	Nov. 23
Apr. 9	Apr. 29	May 19	May 21	June 10	June 30	July 15	July 16	Aug. 5	Sep. 9	Dec. 7
Apr. 23	May 13	June 2	June 4	June 24	July 14	July 29	July 30	Aug. 19	Sep. 23	Dec. 21
May 6	May 27	June 16	**June 17**	July 8	July 28	Aug. 12	Aug. 13	Sep. 2	Oct. 7	Jan. 4 '27
May 21	June 10	June 30	July 2	July 22	Aug. 11	Aug. 26	**Aug. 26**	Sep. 16	Oct. 21	Jan. 18 '27
June 4	June 24	July 14	July 16	Aug. 5	Aug. 25	Sep. 9	Sep. 10	Sep. 30	Nov. 4	Feb. 1 '27
June 17	July 8	July 28	July 30	Aug. 19	Sep. 8	Sep. 23	Sep. 24	Oct. 14	Nov. 18	Feb. 15 '27
July 2	July 22	Aug. 11	Aug. 13	Sep. 2	Sep. 22	Oct. 7	Oct. 8	Oct. 28	Dec. 2	Mar. 1 '27
July 16	Aug. 5	Aug. 25	**Aug. 26**	Sep. 16	Oct. 6	Oct. 21	**Oct. 21**	Nov. 11	Dec. 16	Mar. 15 '27
July 30	Aug. 19	Sep. 8	Sep. 10	Sep. 30	Oct. 20	Nov. 4	**Nov. 4**	Nov. 25	Dec. 30	Mar. 29 '27
Aug. 13	Sep. 2	Sep. 22	Sep. 24	Oct. 14	Nov. 3	Nov. 18	**Nov. 18**	Dec. 9	Jan. 13 '27	Apr. 12 '27
Aug. 26	Sep. 16	Oct. 6	Oct. 8	Oct. 28	Nov. 17	Dec. 2	**Dec. 2**	Dec. 23	Jan. 27 '27	Apr. 26 '27
Sep. 10	Sep. 30	Oct. 20	**Oct. 21**	Nov. 11	Dec. 1	Dec. 16	**Dec. 16**	Jan. 6 '27	Feb. 10 '27	May 10 '27
Sep. 24	Oct. 14	Nov. 3	**Nov. 4**	Nov. 25	Dec. 15	Dec. 30	**Dec. 30**	Jan. 20 '27	Feb. 24 '27	May 24 '27
Oct. 8	Oct. 28	Nov. 17	**Nov. 18**	Dec. 9	Dec. 29	Jan. 13 '27	Jan. 14 '27	Feb. 3 '27	Mar. 10 '27	June 7 '27
Oct. 21	Nov. 11	Dec. 1	**Dec. 2**	Dec. 23	Jan. 12 '27	Jan. 27 '27	Jan. 28 '27	Feb. 17 '27	Mar. 24 '27	June 21 '27
Nov. 4	Nov. 25	Dec. 15	**Dec. 16**	Jan. 6 '27	Jan. 26 '27	Feb. 10 '27	Feb. 11 '27	Mar. 3 '27	Apr. 7 '27	July 5 '27
Nov. 18	Dec. 9	Dec. 29	**Dec. 30**	Jan. 20 '27	Feb. 9 '27	Feb. 24 '27	Feb. 25 '27	Mar. 17 '27	Apr. 21 '27	July 19 '27
Dec. 2	Dec. 23	Jan. 12 '27	Jan. 14 '27	Feb. 3 '27	Feb. 23 '27	Mar. 10 '27	Mar. 11 '27	Mar. 31 '27	May 5 '27	Aug. 2 '27
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Dec. 30	Jan. 20 '27	Feb. 9 '27	Feb. 11 '27	Mar. 3 '27	Mar. 23 '27	Apr. 7 '27	Apr. 8 '27	Apr. 28 '27	June 2 '27	Aug. 30 '27

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12:00 p.m. noon** on a submission deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor. If the submission 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.**

****Bold and asterisks indicate change of regular submission deadline****

RA 26-62

HUMAN RIGHTS DEPARTMENT[421]

Regulatory Analysis

Notice of Intended Action to be published: 421—Chapters 1, 20 through 23, and 25
"Human Rights Chapter Rescissions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 216A and 541A
State or federal law(s) implemented by the rulemaking: Executive Order 10 and 2023 Iowa Acts, Senate File 514

Public Hearing

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

June 2, 2026 10 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

The chapters in legacy agency [421] are due for a Red Tape Review in 2026. As part of that review and under the government realignment authorized by 2023 Iowa Acts, Senate File 514, these chapters are proposed to be rescinded. Some of the chapters are proposed to be repromulgated under agency [441] herein (IAB 5/13/26).

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 associated with this proposed rulemaking.

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

No one will benefit from this proposed rulemaking, but neither will anyone be harmed.

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:**

Six administrative rule chapters will be rescinded from agency [421]. Four of those will be repromulgated under agency [441].

- **Qualitative description of impact:**

There is no qualitative impact; existing rule content will be repromulgated in separate rulemakings.

3. **Costs to the State:**

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

There are no costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no effect on State revenues.

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?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **421—Chapter 1**.

ITEM 2. Rescind and reserve **421—Chapter 20**.

ITEM 3. Rescind and reserve **421—Chapter 21**.

ITEM 4. Rescind and reserve **421—Chapter 22**.

ITEM 5. Rescind and reserve **421—Chapter 23**.

ITEM 6. Rescind and reserve **421—Chapter 25**.

RA 26-63

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 58
"Community Services Block Grant (CSBG)"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 216A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 216A and 42 U.S.C. 9901 et seq.

Public Hearing

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

June 2, 2026 10 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking describes the Department's administration of the Community Services Block Grant (CSBG). The grant provides assistance to states and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become self-sufficient.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department removed redundant information and added dates certain. The Department also standardized appeal language to refer to the Department's uniform rules chapter on contested cases. The Department also moved this chapter and others from legacy agency [421] to agency [441] and renumbered the chapter.

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 associated with this proposed rulemaking.

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

No one will benefit from this proposed rulemaking, but neither will anyone be harmed.

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:**

Not applicable.

- **Qualitative description of impact:**

A chapter has been reviewed pursuant to Executive Order 10 and is being repromulgated under agency [441].

3. **Costs to the State:**

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

There are no costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no effect on State revenues.

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?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 441—Chapter 58:

CHAPTER 58
COMMUNITY SERVICES BLOCK GRANT (CSBG)

441—58.1(216A,PL97-35) Definitions. For the purpose of these rules, unless context otherwise requires:

"Community action agency" or *"eligible entity"* means any organization that was officially recognized as a community action agency under the provisions of Section 673(1) of the CSBG Act and Iowa Code sections 216A.91 and 216A.93.

"CSBG" means community services block grant program.

"CSBG Act" means the Omnibus Budget Reconciliation Act of 1981, PL 97-35, Title VI, Subtitle B, as amended to August 1, 2026. All references to the CSBG Act herein are as amended to August 1, 2026.

"Program year" means the year beginning October 1 and ending the succeeding September 30. The program year is numbered for that year in which it ends.

"Reduction" means funding reduced below the proportional share of funding the eligible entity received in the previous program year.

"Termination" means permanent withdrawal of the eligible entity's authority to obligate funds before that authority would otherwise expire. If an eligible entity's authority to obligate funds is terminated, no funds may be obligated by the eligible entity after the effective date of the termination.

441—58.2(216A,PL97-35) Purposes. The CSBG as established by the CSBG Act provides assistance to states and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become self-sufficient.

Pursuant to Iowa Code section 216A.92, the department administers the community services block grant.

441—58.3(216A,PL97-35) Uses of funds. The CSBG makes available to the state of Iowa funds to be used:

58.3(1) To support the following activities that are designed to assist low-income families and individuals:

a. Removing obstacles and solving problems that block the achievement of self-sufficiency;

b. Securing and retaining meaningful employment;

c. Attaining an adequate education;

d. Making better use of available income;

e. Obtaining and maintaining adequate housing and a suitable living environment;

f. Obtaining emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and

g. Achieving greater participation in the affairs of the communities involved.

58.3(2) To address the needs of youth in low-income communities through youth development programs.

58.3(3) To make more effective use of, and to coordinate with, other programs related to the purposes of this program.

441—58.4(216A,PL97-35) Apportionment distribution.

58.4(1) *Iowa apportionment.* There are appropriated to the department from the fund created by Iowa Code section 8.41(1) funds to implement the CSBG as described in the CSBG Act.

58.4(2) *Distribution of funds.* CSBG funds received according to subrule 58.4(1) will be allocated to the department and eligible entities as provided by federal law and in accordance with Iowa law.

58.4(3) *Poverty-level population.* The state will use U.S. census statistics to determine the poverty-level population in each community action area.

58.4(4) *Local share.* There shall be no local share required under the CSBG.

441—58.5(216A,PL97-35) Eligibility requirements. The eligibility requirements for an organization to receive and administer CSBG funds are as follows.

58.5(1) *Organization.* The organization must meet the definition of a "community action agency" as defined in these rules.

58.5(2) *Board composition.* A recognized community action agency shall be governed by a board of directors composed of at least nine members. The board membership shall follow the requirements in Iowa Code section 216A.94.

441—58.6(216A,PL97-35) Community action plan. All eligible entities shall submit a community action plan for the purpose of applying for CSBG funds. Community action plans must be outcome-based and antipoverty-focused and tie directly to the eligible entity's community assessment.

58.6(1) *Timing.* Eligible entities shall be informed in writing by the department of the due date for the community action plan and the amount of the eligible entities' allocation in accordance with subrule 58.4(2).

58.6(2) *Contents.* The department will provide instructions for preparing the community action plan to all eligible entities. In addition to other information specified in the instructions, the community action plan must:

a. Document the continuous use of the full federal model for the Results Oriented Management and Accountability cycle of assessment, planning, implementation, achievement of results, and evaluation for planning and administering the CSBG;

b. Include a budget that equals the amount of the eligible entity's allocation;

c. Include a description of the service delivery system targeted to low-income individuals and families in the service area;

d. Include a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and follow-up consultations;

e. Include a description of how CSBG funds will be coordinated with other public and private resources;

f. Include a description of how CSBG funds will be used to support innovative community and neighborhood-based initiatives related to the purposes in rule 441—58.2(216A,PL97-35); and

g. Include outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization.

58.6(3) *Nondiscrimination provisions.* Eligible entities must ensure that no person shall, on the basis of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any activity funded in whole or in part with CSBG funds.

58.6(4) *Community assessment.* Eligible entities must conduct a community assessment at least once every three years. The community assessment shall include data specific to poverty, qualitative and quantitative data, and key findings on the causes and conditions of poverty and the needs of the communities assessed. The results of the assessment shall be used to plan activities contained in the community action plan.

58.6(5) *Contract.* The department will issue the eligible entity a CSBG contract once the department accepts the community action plan.

441—58.7(216A,PL97-35) Review and acceptance of community action plans.

58.7(1) *Compliance review.* All activities proposed in the community action plan will be reviewed by the department for:

a. Compliance with the specific purposes and uses of funds outlined in rules 441—58.2(216A,PL97-35) and 441—58.3(216A,PL97-35);

b. Inclusion of assurances that the eligible entity will conduct the CSBG in compliance with all applicable laws; and

c. Inclusion and proper completion of all forms and instructions included in the request for community action plans.

58.7(2) *Performance.* Acceptance of community action plans is dependent on the satisfactory performance of the eligible entity in the past funding year(s). Additionally, available records, audits, and determinations from other relevant state and federal agencies may be utilized.

441—58.8(216A,PL97-35) Ineligible items. CSBG funds cannot be used for the following activities or costs:

1. Any partisan or nonpartisan political activity or any political activity associated with a candidate, or faction group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or any voter registration activity.

2. The purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility. Exceptions shall only be provided through the waiver procedure described in Section 678F(a) of the CSBG Act.

441—58.9(216A) Audits and records. Eligible entities shall arrange and pay for an annual audit. Audits shall be performed by a certified public accountant and in accordance with generally accepted auditing standards. Audit procedures shall conform to 2 CFR Chapter I, Office of Management and Budget Governmentwide Guidance for Grants and Agreements as amended to August 1, 2026, and Chapter II, Part 200, et al., Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as amended to August 1, 2026. In addition, the department may request more frequent audits or examinations of financial records of the eligible entity in order to ensure adequate financial controls are in place and operating.

441—58.10(216A,PL97-35) Designating eligible entities for unserved areas. If any geographic area of the state is not, or ceases to be, served by a community action agency and the governor decides to serve such area, the department will adhere to the requirements in Section 676A of the CSBG Act, U.S. Department of Health and Human Services statutory guidance, and other federal and state laws to solicit applications from qualified organizations.

441—58.11(216A,PL97-35) Termination and reduction of funding. The department may terminate the designation of or reduce the share of CSBG funds allocated to an eligible entity if the department determines that an eligible entity fails to comply with the terms of an agreement, or the Iowa CSBG State Plan as amended to August 1, 2026, to provide CSBG services or to meet appropriate standards, goals, and other requirements established by the department, including performance objectives. If the department finds cause to terminate the designation of or reduce the funding of an eligible entity, the department will adhere to the requirements in Section 678C of the CSBG Act, U.S. Department of Health and Human Services statutory guidance, and other federal and state laws, including provisions of notification, technical assistance, corrective action, opportunity for a hearing under 441—Chapter 2506, and federal review, to initiate proceedings to terminate the designation of or reduce the funding of the eligible entity.

441—58.12(216A,PL97-35) Client grievance and appeal process.

58.12(1) Eligible entities shall adopt client grievance procedures to address CSBG client complaints. The grievance procedures must be approved by the department. The procedures shall be used for all clients to file a complaint for nonappealable items. If complaints are unable to be resolved, the eligible entity shall forward the issue to the department for assistance with resolution.

58.12(2) The department will handle client appeals pursuant to 441—Chapter 2506. Items that are appealable are denial of eligibility, services, or benefits when services are solely CSBG-funded assistance or for services provided through co-funded programs where there is no other dispute resolution avenue.

441—58.13(216A,PL97-35) Further criteria. The Iowa CSBG State Plan and Application as amended to August 1, 2026, and the Iowa CSBG Policies and Procedures Manual as amended to August 1, 2026, are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rules, federal law or rules shall prevail.

These rules are intended to implement Iowa Code chapter 216A and PL 97-35.

RA 26-64

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 59
"Low-Income Home Energy Assistance Program (LIHEAP)"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 216A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 216A and PL 97-35 and PL 98-558

Public Hearing

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

June 2, 2026 10 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking describes the Department's administration of the Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP is designed to aid qualifying low-income Iowa households (homeowners and renters) in the payment of a portion of their residential heating costs for the winter heating season; to encourage regular utility payments; to promote energy awareness; and to encourage reduction of energy usage through energy efficiency, client education, and weatherization.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department removed redundant information and restrictive terms and added pertinent definitions and dates certain. The Department also standardized appeals language to refer to the Department's uniform rules chapter on contested cases. The Department is concurrently rescinding 421—Chapter 22 (**RA 26-62**, IAB 5/13/26), which is the legacy Department of Human Rights chapter that outlines LIHEAP.

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 associated with this proposed rulemaking.

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

Low-income individuals who meet the criteria for assistance will benefit from the processes outlined 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:**

For LIHEAP program year 2024:

- Iowa received $58,755,595 in federal funds ($57,826,941 in regular annual appropriations and $928,654 in Infrastructure Investment and Jobs Act funds).
- The average statewide one-time LIHEAP benefit was $466.
- 41.3 percent of households assisted were homeowners.
- 56.5 percent of households assisted were below 100 percent of the federal poverty level.
- 48 percent of households assisted had a member with a disability.
- 38.3 percent of households assisted had an elderly member.
- 4.1 percent of households assisted had a child under six years of age.
- **Qualitative description of impact:**

LIHEAP is designed to aid qualifying low-income Iowa households (homeowners and renters) in the payment of a portion of their residential heating costs for the winter heating season; to encourage regular utility payments; to promote energy awareness; and to encourage reduction of energy usage through energy efficiency, client education, and weatherization.

3. **Costs to the State:**

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

The Department incurs personnel and administrative costs to administer the chapter. The Department contracts with local community action agencies (CAAs) to carry out the program activities. For the purposes of this chapter, CAAs are also known as local administering agencies or LAAs. These CAAs also incur personnel and administrative expenses. LIHEAP utilizes the LIHEAP, Emergency Capital Investment Program (ECIP), and Weatherization Assistance Program (WAP) Intake System (LEWIS), which requires annual licensing, maintenance/operation, and enhancement costs.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

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

The guidance provided in these proposed rules is necessary for the public to understand the program.

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?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 441—Chapter 59:

CHAPTER 59
LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

441—59.1(216A,PL97-35,PL98-558) Definitions. For the purposes of this chapter, the following definitions apply:

"Assurance 16" means a provision of 42 U.S.C. Sections 8621 through 8630 as amended to August 1, 2026, that provides low-income home energy assistance program (LIHEAP) subrecipients the option of spending no more than 5 percent of their LIHEAP funds on services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance.

"DHHS" means the United States Department of Health and Human Services.

"Energy crisis" means weather-related (including natural disasters) supply shortage emergencies or other household energy-related emergencies as follows:

1. Nonworking heating unit (there must be a heating unit present).
2. Temporary need for alternate shelter due to lack of energy or fuel source.
3. Disconnected from utility service.
4. Past-due amounts owed create the risk of disconnection or an empty liquid propane (LP) or fuel oil (FO) tank.
5. LP tank 30 percent or less remaining.
6. Window or portable air conditioning unit or repair of existing central air unit, when medically necessary.

"Household" includes all the people who occupy a housing unit (such as a house or apartment) as their usual place of residence. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit or a group of unrelated people sharing a housing unit, such as partners or roomers, is also counted as a household.

"LAA" means a local administering agency with which the department contracts to administer LIHEAP.

"Manual" or *"the manual"* means the LIHEAP Policy and Procedures Manual that is available on the department's website. All references herein are to those as amended to August 1, 2026.

"State plan" means the LIHEAP state plan that is available on the department's website. All references herein are to those as amended to August 1, 2026.

441—59.2(216A,PL97-35,PL98-558) Household eligibility.

59.2(1) Households with incomes at or below the annually determined federal poverty guidelines, but not to exceed 150 percent of the guidelines, or an amount equal to 60 percent of

the state median income for the state, according to DHHS, that are published annually in the Federal Register, may be eligible for assistance under LIHEAP. To receive benefits, an application must be made, eligibility must be determined, and program funds must be available before any payments may be made.

59.2(2) Proof of income eligibility is required as outlined in the manual. Any individual listed on a LIHEAP-approved application for the current fiscal year will not be listed on another application unless an exception is granted by the department.

59.2(3) Income criteria and guidelines are contained in the state plan and the manual.

59.2(4) All households applying for assistance under LIHEAP will simultaneously be making application for weatherization assistance, and 441—Chapter 63 will govern weatherization applications.

441—59.3(216A,PL97-35,PL98-558) LAAs.

59.3(1) The department shall administer the LIHEAP program by contracting with LAAs that meet program and fiscal guidelines as required by federal law.

59.3(2) Each LAA will conduct outreach activities to ensure that eligible households are made aware of the program. In addition to its normal outreach functions, each LAA will authorize its workers to take applications in an applicant's home and other locations specified in the manual. A notice of the appeal and hearing procedure pursuant to 441—Chapter 2506 must be posted at each intake site, and a copy of the appeal and hearing procedure and any other state-required handouts must be given to each client at the time of application or determination.

441—59.4(216A,PL97-35,PL98-558) Application period. The application period for the program is between October 1, or the first working day of October, and April 30, or the last working day of April, or as defined in the manual.

441—59.5(216A,PL97-35,PL98-558) Payments.

59.5(1) *Types of payments.* The following types of energy assistance payments may be made:

a. Payments may be made to suppliers on behalf of eligible households. The client's assistance shall remain as a credit on the client account until the program assistance is expended or the account is terminated.

b. Eligible households that pay an undesignated portion of the rent toward energy costs will receive assistance sent directly to the secondary vendor.

c. Direct payments may be made to eligible households as outlined in the manual.

59.5(2) *Duplicate and fraudulent payment control.* Each LAA is required to monitor, refer to the department, and prevent possible duplicate and other fraudulent applications and payments pursuant to the federal Office of Management and Budget guidance on the Payment Integrity Information Act of 2019 (PL 116-117) as amended to August 1, 2026, and the manual.

441—59.6(216A,PL97-35,PL98-558) Change in status. The level of assistance for the program year will be determined based on the household's circumstances at the time of approval. If a household moves, a household of one passes away, or a household moves to a different service territory, etc., after applying for the program, the process outlined in the manual is to be followed.

441—59.7(216A,PL97-35,PL98-558) Vendor agreement. A signed utility vendor agreement must be on file with the LAA before payments may be made to the vendor. If a fuel supplier does not sign a vendor agreement, a direct payment may be made to the eligible applicant. In cases where a vendor has not complied with all provisions of the vendor agreement, the state may approve direct payments to clients as an alternative.

441—59.8(216A,PL97-35,PL98-558) Crisis assistance.

59.8(1) *Eligibility.* To be eligible for crisis assistance, a household must file an application, meet the income guidelines of LIHEAP, and meet the definition of "energy crisis."

59.8(2) *Evaluation.* Each crisis application will be evaluated individually by the LAA, which shall determine the appropriate resolution and the amount of assistance to be provided as defined by the manual.

441—59.9(216A,PL97-35,PL98-558) Assurance 16 activities. LIHEAP customer services that encourage and enable households to reduce their home energy needs, and thereby reduce their need for energy assistance, shall be provided as Assurance 16 activities as outlined in the manual.

441—59.10(216A,PL97-35,PL98-558) Grievances and appeals. Each LAA shall have a grievance process and procedures approved by the department for nonappealable actions. The following appeal and hearing procedures shall be used:

59.10(1) An applicant may initiate an appeal:

a. If an application is denied.

b. If an application is not acted upon within the required time frame.

c. If the benefit awarded is less than expected or less than previously notified.

d. If immediate or emergency support is refused or delayed beyond 48 hours or 18 hours for an energy crisis.

59.10(2) The department will process appeals pursuant to 441—Chapter 2506.

441—59.11(216A,PL97-35,PL98-558) Further criteria. The state plan, the manual, and assistance award criteria for the program are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rule, federal law or rule shall prevail.

These rules are intended to implement Iowa Code chapter 216A, PL 97-35 and PL 98-558.

RA 26-65

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 63
"Weatherization"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 216A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 216A and PL 94-385 and PL 98-558

Public Hearing

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

June 2, 2026 10 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed chapter outlines the Department's administration of the Weatherization Assistance Program (WAP). The purpose of the program is to reduce heating and cooling costs for low-income households, particularly those with elderly members, persons with disabilities, or young children, by improving the energy efficiency of their homes while ensuring their health and safety.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department eliminated redundant information and restrictive terms and added clarifying information and dates certain. The Department also standardized the appeals procedure to the Department's uniform rules chapter on contested cases. The Department is concurrently rescinding 421—Chapter 23 (**RA 26-62**, IAB 5/13/26), which is the legacy Department of Human Rights chapter that implements the WAP.

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 associated with this proposed rulemaking.

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

Individuals who are potentially eligible for the WAP will benefit from the guidance in this proposed chapter.

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:**

In additional to benefiting individuals, the WAP also benefits many small businesses and independent contractors. In program year 2024 (April 1, 2024, through March 31, 2025), over $27,715,674 was put back into the Iowa economy through the purchase of supplies and materials; wages to independent construction, HVAC (heating, ventilation, and air conditioning), mechanical, and other contractors; and salaries and benefits to subgrantee and State program and support staff.

- **Qualitative description of impact:**

The purpose of the program is to reduce heating and cooling costs for low-income households, particularly those with elderly members, persons with disabilities, or young children, by improving the energy efficiency of their homes while ensuring their health and safety.

3. **Costs to the State:**

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

The Department incurs personnel and administrative costs to administer the proposed chapter. The Department contracts with local community action agencies (CAAs) and local governments to carry out program activities. These CAAs and local governments also incur personnel and administrative expenses. The WAP utilizes the Low-Income Home Energy Assistance Program (LIHEAP), Emergency Capital Investment Program (ECIP), and WAP Intake System (LEWIS), which requires annual licensing, maintenance, operation, and enhancement costs.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

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

Rulemaking is appropriate to provide guidance to eligible and potentially eligible individuals.

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?

This proposed rulemaking has no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 441—Chapter 63:

CHAPTER 63
WEATHERIZATION

441—63.1(216A,PL94-385,PL98-558) Eligible households.

63.1(1) A household includes all the people who occupy a housing unit (such as a house or apartment) as their usual place of residence. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit or a group of unrelated people sharing a housing unit, such as partners or roomers, is also counted as a household. A household occupying a dwelling unit is eligible for assistance under the weatherization assistance program if the household:

a. Has an annual income no higher than 200 percent of the federal poverty guidelines determined in accordance with criteria established by the Director of the Office of Management and Budget (OMB).

b. Is receiving supplemental security income (SSI) or family investment program (FIP) assistance, regardless of income.

63.1(2) Household eligibility, including income verification, will be determined in accordance with the application requirements for the low-income home energy assistance program (LIHEAP), the application for which is considered a joint application. Household eligibility and prioritization for weatherization services are established annually.

63.1(3) Both owner-occupied and renter-occupied dwellings may be weatherized. However, rental units occupied by low-income residents shall be weatherized providing benefits accrue primarily to the low-income tenants, rents are not raised because of the weatherization, and no undue or excessive enhancement occurs to the value of the dwelling unit. Landlords of rental dwellings must agree to have their dwellings weatherized before assistance is provided.

63.1(4) Provision of all weatherization program services are contingent upon the availability of funds.

441—63.2(216A,PL94-385,PL98-558) Local administering agencies (LAAs).

63.2(1) The department will administer the program by utilizing community action agencies (CAAs) or their approved subcontractors or other public or nonprofit entities that have shown the ability or have the capacity to undertake a timely and effective weatherization program. Program funds shall be used for the purchase and installation of weatherization materials, training and technical assistance, administration, and supportive services.

63.2(2) LAAs will be required to sign a contractual agreement that specifies required and allowable program activities, including U.S. Department of Energy regulations, special conditions, participant forms, program and fiscal reporting, and audit requirements.

441—63.3(216A,PL94-385,PL98-558) Application period. Households may apply for weatherization assistance between October 1, or the first working day of October, and September 30, or the last working day of September, as defined in the annual Weatherization Assistance Program State Plan as amended to August 1, 2026.

441—63.4(216A,PL94-385,PL98-558) Payments.

63.4(1) *Duplicate and fraudulent payment control.* Each LAA is required to provide a system to monitor and prevent possible duplicate and other fraudulent applications and payments. Duplication cross-checks shall be based on the unique client or vendor identifier.

63.4(2) *Referrals.* Each LAA is required to refer all suspected cases of fraud, including duplicate payments, overpayments, and fraudulent statements on applications, to the department for investigation.

441—63.5(216A,PL94-385,PL98-558) Grievances and appeals.

63.5(1) Each LAA shall have grievance policies and procedures approved by the department for nonappealable items, including quality or extent of work performed.

63.5(2) Items that are appealable to the department pursuant to 441—Chapter 2506 are:

a. Services that have been denied for eligibility.

b. Weatherization work that is delayed or postponed for extenuating circumstances. The LAA must document the reasons for the delay of services and inform the client and the department.

c. Quality or completeness of work, if the LAA has exhausted its grievance process.

d. LAA contractors and subcontractors that have exhausted the grievance process.

441—63.6(216A,PL94-385,PL98-558) Further criteria. The Weatherization Assistance Program State Plan as amended to August 1, 2026, and Weatherization Assistance Program Policy and Procedures Manual as amended to August 1, 2026, are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rule, the federal law or rule shall prevail.

These rules are intended to implement Iowa Code section 216A.99, PL 94-385 and PL 98-558.

RA 26-66

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 64
"Individual Development Account (IDA)"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 541A.5
State or federal law(s) implemented by the rulemaking: Iowa Code section 541A.5

Public Hearing

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

June 2, 2026 10 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

The purpose of this proposed chapter is to outline the Department's administration of the Individual Development Account program outlined in Iowa Code chapter 541A. The program has not been funded since SFY 2016.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department removed redundant or duplicative information and restrictive terms and added dates certain. The Department is concurrently rescinding 421—Chapter 25 (**RA 26-62**, 5/13/26), which was the legacy Department of Human Rights chapter that corresponds to this new proposed chapter in agency [441].

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 associated with this proposed rulemaking.

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

Because this program is not funded, there is no particular benefit to anyone from this proposed rulemaking. Rulemaking is required by Iowa Code section 514A.5.

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:**

This proposed rulemaking has no quantitative impact.

- **Qualitative description of impact:**

This proposed rulemaking has no qualitative impact.

3. **Costs to the State:**

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

The Department currently does not implement the proposed chapter because the program is not funded.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

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

Rulemaking is required by Iowa Code section 514A.5.

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

Rulemaking is required by Iowa Code section 514A.5.

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?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 441—Chapter 64:

CHAPTER 64
INDIVIDUAL DEVELOPMENT ACCOUNT (IDA)

441—64.1(541A) Definitions. As used in these rules, unless the context otherwise requires:

"Account holder" means the same as defined in Iowa Code section 541A.1.

"Charitable contributor" means an individual, company or organization that makes a contribution through a nonprofit association described in Section 501(c)(3) of the Internal Revenue Code as

amended to August 1, 2026, which association makes a deposit to an individual development account and which association is exempt from taxation under Section 501(a) of the Internal Revenue Code as amended to August 1, 2026.

"Federal poverty level" means the poverty income guidelines established annually for a calendar year and published in the Federal Register by the U.S. Department of Health and Human Services.

"Financial institution" means a financial institution, including but not limited to a bank, savings and loan, or credit union, approved by the department to accept individual development accounts.

"Household" means the adults who are related by blood, marriage or adoption or who are unrelated but have maintained a stable family relationship together over a period of time and the individuals who are under 18 years of age related to the above adults by marriage, blood or adoption who are living together. "Living together" refers to domicile as evidenced by the parties' intent to maintain a home for their family and does not include a temporary visit.

"Individual contributor" means the same as defined in Iowa Code section 541A.1.

"Individual development account" or *"IDA"* means an investment account that has the characteristics described in Iowa Code section 541A.2 and is operated by the operating organization.

"Individual development account state match fund" means the fund established in the state treasury under the authority of the department into which are deposited funds for payment to operating organizations for state match payments to individual investment accounts and administrative costs to implement the individual investment account program.

"Minor account holder" means an account holder who is younger than 18 years of age.

"Operating organization" means an entity selected by the department for involvement in operating individual development accounts directed to the eligible target population.

"Source of principal" means any of the following sources of a deposit:

1. Deposits made by the account holder.
2. Deposits of state match payments.
3. Deposits of individual development account moneys that are transferred from another individual development account holder. The moneys transferred from another individual development account will be considered to be a deposit of principal made by the account holder.
4. Deposits made on behalf of the account holder by an individual contributor or a charitable contributor.

441—64.2(541A) Establishment of individual development accounts. An investment account qualifies as an IDA when it is established and operates in accordance with the following.

64.2(1) *Operating organization.* The investment account shall be established through an operating organization.

64.2(2) *Account.* The account shall be opened at a financial institution and kept in the name of an individual account holder.

64.2(3) *Deposits.* Deposits made to an IDA are also known as sources of principal and shall be made in any of the manners indicated in the definition of "source of principal" in rule 441—64.1(541A).

64.2(4) *Investment of funds.* The funds deposited in the IDA may be invested in any investment that the financial institution is authorized to offer to the public.

64.2(5) *Income.* The account earns income.

64.2(6) *Maximum deposits of principal.* The total of all sources of principal in an individual development account may not exceed $30,000.

441—64.3(541A) Eligibility, state match payments, and state tax provisions.

64.3(1) *Eligibility based on countable household income level.* Eligibility will be based on the prospective account holder's household income for the calendar year preceding the calendar year in which the IDA will be opened. The household income shall not exceed 200 percent of the federal poverty level as published in the same year. If an account holder's household income exceeds 200

percent of the federal poverty level in any subsequent year following the year that the account holder established the account, the account will remain open, but the account holder will not be eligible to receive the state savings match payment for deposits made during the year following the year when the household income exceeds 200 percent of the federal poverty level. If the prospective account holder files an income tax return on a fiscal year basis, the household income must nonetheless be computed on a calendar year basis.

64.3(2) *Countable household income.*

a. The household's countable income shall be the Iowa net income as defined in Iowa Code section 422.7, with the following inclusions and exclusions:

(1) Inclusions to the extent not already included in Iowa net income are as follows:

1. Capital gains.
2. Alimony.
3. Child support money.
4. Cash public assistance and relief, except property tax relief under Iowa Code chapter 425, subchapter II.
5. The gross payment amount of any pension or annuity, including but not limited to railroad retirement benefits.
6. Military retirement and veterans' disability pensions.
7. Interest received from local, state or federal government securities.
8. Workers' compensation.
9. The gross amount of disability income or "loss of time" insurance.

(2) Exclusions are as follows:

1. Gifts from nongovernmental sources.
2. Surplus foods, including food assistance.
3. Payments received by an individual under the age of 18 under the federal Social Security Act.
4. Other in-kind relief supplied by a governmental agency.

b. Income shall not be reduced by either a net operating loss carryover or by a capital loss carryover.

64.3(3) *Determination of income status and eligibility.*

a. In lieu of calculating countable household income as provided in subrule 64.3(2) to determine income status and eligibility of an individual to hold an IDA, the operating organization may use evidence of an individual's enrollment in a program with income eligibility restrictions that are equal to or less than the maximum household income provided in subrule 64.3(1) as sufficient for determining the individual's eligibility to hold an IDA.

b. In order to determine the amount of countable household income of an individual seeking to open an IDA and to maintain household income records on an annual basis, the operating organization shall use any of the following methods or other methods deemed appropriate by the operating organization to obtain accurate income information:

(1) The operating organization shall ask both the individual who wishes to establish an IDA and other members of the individual's household who have filed federal or state income tax returns to furnish a copy of the returns with attached W-2 statements and to sign a release of information form permitting the operating organization to receive from the Iowa department of revenue summary information indicating the Iowa net income or to receive a copy of the state income tax return for the specific calendar year used to establish income eligibility to participate in the IDA program and for specified successive calendar years during which the IDA account is open. The operating organization shall protect the confidentiality of this information.

(2) If the individual and members of the individual's household have not filed federal or state income tax returns for the calendar year used to determine eligibility, the operating organization shall ask the individual to provide copies of available financial records of the household to determine the amount of countable income for the calendar year used to determine eligibility.

(3) The operating organization may also ask the individual seeking to hold an IDA to sign a release of information form allowing the operating organization to obtain individual and household income records held by agencies administering the programs referred to in paragraph 64.3(3)*"a."* The operating organization shall use this information to verify and maintain household income records of individuals seeking to hold an IDA, thereby facilitating the administration of the IDA program. The operating organization shall maintain the confidentiality of this information. Countable household income determinations shall include the amount of the cash assistance provided through the programs referred to in paragraph 64.3(3)*"a."*

(4) If the individual has minimal or no financial records and the operating organization determines that the totality of the individual's circumstances corroborates a credible explanation for the absence of said records, the operating organization may accept a written self-declaration from the individual as sufficient to document initial income eligibility to hold an IDA.

c. The operating organization shall obtain and maintain income information records from an account holder and all members of the account holder's family on a yearly basis to determine continued IDA eligibility.

64.3(4) *Exemption from income tax for income earned on assets in an IDA.* Income earned on principal in an IDA will be exempt from state income tax even if the account holder's household income is greater than 200 percent of the federal poverty level for the tax year.

64.3(5) *State match payments.* The operating organization shall determine the account holder's countable household income and account deposits on an annual basis for the purpose of computing the state match payment. The operating organization shall file with the department a claim for a state match payment on behalf of the account holder by April 30 of the year following the year in which the account holder made deposits into the IDA. The claim shall be filed on a form provided by the department. The department will make a payment of a savings match on a 1:1 ratio on amounts of up to $2,000 that an eligible account holder deposited in the account holder's account the previous year. The total state savings match for all years shall not exceed $2,000 for any IDA. Neither the moneys transferred to an IDA from another IDA nor the state match received by the account holder pursuant to this subrule will be considered an account holder deposit for purposes of determining a state match payment. The department or operating organization shall make the state match payment directly to the IDA in the manner deemed appropriate by the department.

64.3(6) *Tax implications.* IDAs shall be subject to rule 701—302.44(422,541A).

441—64.4(541A) Requests for proposals—operation of IDAs.

64.4(1) *Issuance of requests for proposals.* The department may issue requests for proposals (RFPs) for operating organizations interested in operating an IDA program. The RFP will require the operating organization to provide information in its proposal regarding the financial institution that the operating organization will use for the proposed IDA program. The department will include such information in evaluating proposals submitted in response to the RFP.

64.4(2) *Review criteria used to evaluate and select proposals responding to the RFP.* The department will evaluate and select proposals submitted by operating organizations in response to the RFP based upon but not limited to the criteria as provided in the RFP.

64.4(3) *Other considerations and guidelines.* Other considerations and guidelines in implementing IDAs are:

a. The department shall have the authority to designate and limit the number of locations where IDA projects will be implemented, taking into account demographic characteristics and geographic considerations.

b. The department will require all IDA operating organizations and projects to comply with any federal individual development account program requirements for drawing federal funding.

c. The department and the operating organization shall enter into an agreement that specifies the responsibilities of both parties. The agreement will incorporate by reference the provisions of the RFP.

d. The operating organization shall maintain a clear and precise audit trail of all deposits and withdrawals of funds in IDAs. All withdrawals from an IDA shall require a signature of approval from the operating organization. Upon the termination of the agreement between the operating organization and the department or upon the discontinuance of the IDA program for any reason, the IDA accounts under the management of that operating organization shall terminate and the funds in the IDAs shall be distributed to the account holders unless the operating organization and a successor operating organization located in the same geographic area and operating an IDA program approved by the department enter into an agreement for the transfer of IDA accounts to the successor operating organization. The department shall have authority to review and approve in advance the agreement between the two operating organizations.

e. Upon the termination of an operating organization's relationship with the financial institution holding its IDA accounts, the operating organization managing the accounts shall enter into an agreement with a department-approved successor financial institution to hold the accounts and shall arrange for the transfer of the accounts to the new financial institution. The new agreement shall be subject to the department's review and advance approval.

f. If an account holder moves within the state to a location that is not served by the operating organization but is served by another operating organization with a department-approved IDA program, the original operating organization shall arrange for the transfer of the account to a financial institution that has an agreement with the operating organization in the new location. If there is no operating organization in the new location, the IDA account shall be closed, with funds in the account distributed to the account holder; alternatively, the operating organization and the account holder may jointly agree to maintain the account under the management of the existing operating organization and financial institution. The operating organization shall provide a written notification to the department of all transfers of IDA accounts to the management of a new operating organization.

441—64.5(541A) Authorized withdrawals of principal and income.

64.5(1) *Approved purposes for withdrawal of funds from an IDA.* An account holder may withdraw principal and income earned on principal from an IDA only with the written approval of the operating organization and only for the purposes outlined in Iowa Code section 541A.2(4).

64.5(2) *Conditions on withdrawals of principal and income.* An account holder may withdraw funds from the account holder's IDA subject to the following conditions:

a. Any amount of principal and income earned on principal, provided the sum is authorized under Iowa Code section 541A.2(4) and in accordance with the procedure for authorized withdrawals set forth under subrule 64.5(3).

b. If the account holder is 59½ years of age or older, any amount of principal and income earned on principal. Such withdrawals shall not require the approval of the operating organization.

64.5(3) *Procedures for account holder deposits and withdrawals.* The operating organization and the financial institution shall agree upon and provide to account holders procedures to facilitate authorized withdrawals.

441—64.6(541A) Notice of nonapproved withdrawals and closure of the account.

64.6(1) *Nonapproved withdrawals and attempted withdrawals for nonapproved purposes.* The financial institution shall notify the operating organization within five calendar days of any withdrawals or attempted withdrawals that appear to be nonapproved. The financial institution shall refuse to release any funds that do not have the written authorization of approval from the operating organization.

64.6(2) *Closure of an IDA by the operating organization.* The operating organization may close an IDA pursuant to Iowa Code section 541A.2(6).

441—64.7(541A) Transfers of assets of an IDA.

64.7(1) *Transfers by an adult account holder.* An adult account holder may transfer all or part of the assets in the adult account holder's IDA to any other account holder's IDA. Upon compliance by the operating organization and financial institution with the requirements of rule 441—64.5(541A), IDA account holders who have transferred funds into another individual's IDA account and any beneficiaries of the transferee's IDA account shall sign a waiver of liability form releasing the operating organization and the financial institution from civil liability and responsibility for the wrongful withdrawals of funds by the account holder due to the account holder's false representation of the purpose of the withdrawal, resulting in the loss to the account balance of deposited principal funds, including individual and charitable contributions, transferred funds, and the state match payments.

64.7(2) *No transfers of assets from a minor account holder's IDA.* Neither a minor account holder nor the parents or legal guardian of such minor account holder shall have the right or ability to transfer assets from the minor account holder's IDA to the IDA of any other account holder.

64.7(3) *Transfers when an account holder dies.* At the time an IDA is established, an account holder shall name a contingent beneficiary or contingent beneficiaries or an account holder transferee to whom the assets of the account holder's IDA shall be transferred upon the account holder's death. Upon the account holder's death, the account assets shall be transferred to the named contingent beneficiary or contingent beneficiaries or to the account holder transferee's IDA, as applicable. A named contingent beneficiary or contingent beneficiaries or account holder transferee may be changed at the discretion of the account holder. If the named contingent beneficiary or contingent beneficiaries or account holder transferee is deceased or otherwise does not accept the transfer, the assets of the deceased account holder's IDA shall be transferred to the IDA state match fund.

These rules are intended to implement Iowa Code chapter 541A.

RA 26-61

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 133
"IV-A Emergency Assistance Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 235.3
State or federal law(s) implemented by the rulemaking: Iowa Code section 235.3

Public Hearing

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

June 2, 2026 10 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH

Public Comment

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

Victoria L. Daniels
Lucas State Office Building
Department of Health and Human Services
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed chapter defines and structures the Department's IV-A emergency assistance program. This program is designed to extend a menu of services to children who are victims of or at risk of abuse or neglect, at risk of out-of-home placement, or in need of care or treatment. These proposed rules define emergency assistance services as family-centered services, family preservation services, foster care, protective day care, and wrap-around services. The proposed rules further outline an application process, eligibility criteria, methods of service provision, and duration of service.

Upon a Red Tape Review of the chapter pursuant to Executive Order 10, the Department removed restrictive terms and outdated or redundant definitions and cross-references.

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 associated with this proposed rulemaking.

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

Children who are victims of or at risk of abuse or neglect, at risk of out-of-home placement, or in need of care or treatment and their families will benefit from the information 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:**

This proposed rulemaking has no quantitative impact.

- **Qualitative description of impact:**

Children who are victims of or at risk of abuse or neglect, at risk of out-of-home placement, or in need of care or treatment and their families will benefit from the information in this proposed rulemaking.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

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

The proposed chapter provides important information that is not available elsewhere.

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?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 133 and adopt the following **new** chapter in lieu thereof:

CHAPTER 133
IV-A EMERGENCY ASSISTANCE PROGRAM

441—133.1(235) Definitions.

"Child" means the same as defined in Iowa Code section 234.1.

"Emergency assistance" means any one or more of the following services provided in response to a IV-A emergency assistance application:

1. Family-centered services as set forth in 441—Chapter 172.
2. Shelter care as set forth in 441—Chapters 156 and 202, except for placements of less than 48 hours.
3. Protective child care as set forth in 441—Chapter 170.

"Family" includes the following members:

1. Legal spouses (including common-law) who reside in the same household.
2. Natural, adoptive, or stepmother or stepfather, and children who reside in the same household.
3. An individual or child who lives alone or who resides with a person, or persons, not legally responsible for the child's support.

441—133.2(235) Application. An application for emergency assistance shall be made on a form prescribed by the department. An application shall be completed any time a decision is made to provide emergency assistance or when an adult family member requests emergency assistance on behalf of a child.

133.2(1) The application shall be filed by a parent, except where both parents are absent or unwilling to apply on behalf of a child who meets all other eligibility conditions, in which case another adult member of the family with whom the child resides or has resided within the past six months acting on behalf of the child may file the application.

133.2(2) If the application is made on behalf of a child for whom the department has legal custody, the department may sign the application on behalf of the child.

441—133.3(235) Eligibility. To be eligible for emergency assistance, the family shall meet all of the following criteria.

133.3(1) *Existence of an emergency.* An emergency situation shall exist. An emergency exists when one of the following situations exists:

a. Abuse, neglect, or abandonment of a child, or risk of same.

b. Children are in imminent danger where continued presence in the home is not in the best interests of the child.

c. Children have been removed from the home or are at risk of removal from the home because of abuse; neglect, which may include homelessness; or inability of parents to provide needed care or treatment or to control the behavior of the child.

133.3(2) *No refusal to accept employment or training.* The emergency situation did not arise out of an applicant's or applicant's family's refusal without good cause to accept employment or training for employment within 30 days of the date of the application.

133.3(3) *Residence.* The child is living, or within six months prior to the month in which assistance is requested has been living, with a specified relative. "Relative" includes people related by blood, marriage, or adoption. The child may be considered as meeting the requirement of living with a specified relative if the child's home is with one of the following or with a spouse of one of the following even though the marriage is terminated by death or divorce:

a. Father—adoptive father.

b. Mother—adoptive mother.

c. Grandfather—grandfather-in-law, meaning the subsequent husband of the child's natural grandmother, i.e., stepgrandfather—adoptive grandfather.

d. Grandmother—grandmother-in-law, meaning the subsequent wife of the child's natural grandfather, i.e., stepgrandmother—adoptive grandmother.

e. Great-grandfather—great-great-grandfather.

f. Great-grandmother—great-great-grandmother.

g. Stepfather, but not his parents.

h. Stepmother, but not her parents.

i. Brother—brother-of-half-blood—stepbrother—brother-in-law—adoptive brother.

j. Sister—sister-of-half-blood—stepsister—sister-in-law—adoptive sister.

k. Uncle—aunt, of whole or half blood.

l. Uncle-in-law—aunt-in-law.

m. Great uncle—great-great-uncle.

n. Great aunt—great-great-aunt.

o. First cousins—nephews—nieces.

p. Second cousins, meaning the son or daughter of one's parent's first cousin.

133.3(4) *Service need.* The applicant must demonstrate a need for one or more of the emergency assistance services as follows:

a. Family-centered services as established in 441—Chapter 172.

b. Shelter care as established in rule 441—202.2(234).

c. Protective child care as established in 441—subparagraph 170.2(2)*"b"*(3).

133.3(5) *Receipt of assistance.* An application for IV-A emergency assistance was not previously approved within 12 months of the current application for IV-A emergency assistance.

133.3(6) *Financial eligibility.* The applicant family:

a. Is receiving family investment program (FIP), supplemental security income (SSI), Supplemental Nutrition Assistance Program (SNAP) benefits, or Medicaid in the month of the application, or

b. Does not have money to provide needed emergency care or services as evidenced by the applicant family's income not exceeding 800 percent of the poverty guidelines established by the federal Office of Management and Budget.

441—133.4(235) Method of service provision. Services shall be provided through the department or through purchase of service agreements with providers that are approved by the department as qualified to provide specified services and have a current contract with the department to provide services.

441—133.5(235) Duration of services. Services to families and children provided through the emergency assistance program as a result of a single application may be provided for either a period not to exceed 12 months or until there is no longer a need for services according to eligibility criteria for the specified services, whichever occurs first.

441—133.6(235) Discontinuance of the program. The program will be discontinued when federal funds have been exhausted.

These rules are intended to implement Iowa Code section 235.3(9).

ARC 0251D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to on-site containment and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 44, "On-Site Containment of Pesticides, Fertilizers and Soil Conditioners," and to adopt a new Chapter 44, "On-Site Containment of Pesticides, Fertilizers and Beneficial Substances," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 200.14.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 200 and 2025 Iowa Acts, Senate File 632.

Purpose and Summary

The proposed rulemaking incorporates changes that were made during the 2025 Legislative Session by adding the term "beneficial substances" to be a more inclusive term for a variety of products.

In addition, the proposed rulemaking modernizes the chapter and secondary containment requirements to provide additional methods to store products in a more cost-effective way while continuing to protect the environment.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on March 18, 2026. A public hearing was held on the following date(s):

- April 10, 2026

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 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on June 6, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street

Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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 21—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44
ON-SITE CONTAINMENT OF PESTICIDES, FERTILIZERS AND BENEFICIAL SUBSTANCES

PESTICIDES

21—44.1(206) Definitions. Where used in these rules:

"Aerial applicator" means a commercial applicator who is certified in #11—Aerial Application and who applies the pesticide by using an aircraft.

"Bulk pesticide" means any registered pesticide that is transported or held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.

"Bulk repackaging" means the transfer of a registered pesticide from one bulk container (containing undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight) to another bulk container (containing undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds of net dry weight) in an unaltered state in preparation for sale or distribution to another person.

"Certified commercial applicator" means a pesticide applicator or individual who applies or uses a pesticide or device on any property of another for compensation.

"Mobile containers" means containers designed and used for transporting pesticide materials.

"Nonmobile containers" means all containers not defined as mobile.

"Permanent pesticide storage and mixing site" means a site where pesticides are being stored for more than 30 days per year and at which more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30-day period.

"Secondary containment" means any structure used to prevent runoff or leaching of pesticide materials.

21—44.2(206) On-site containment of pesticides.

44.2(1) All nonmobile bulk pesticide storage containers shall be located within a watertight secondary containment facility.

44.2(2) All mixing, repackaging and transfer of pesticides from one container to another performed at a permanent pesticide storage and mixing site shall be done within a containment area. The designated site shall be paved with asphalt or concrete and be elevated above the surrounding area or curbed so as not to receive runoff from surrounding areas that would overload the recovery system and shall slope to

a discharge point that allows materials to flow to a watertight containment structure in compliance with rule 21—44.10(206).

21—44.3(206) Design plans and specifications.

44.3(1) Design plans and specifications for facilities required under these rules shall be submitted to the department of agriculture and land stewardship prior to the start of construction, along with certification from an Iowa registered engineer (as defined in Iowa Code chapter 542B) that the designed facilities will comply with all requirements of these rules.

44.3(2) A person may deviate from the requirements of these rules if such deviations are clearly noted on the design plans and specifications, along with certification from an Iowa registered engineer that these deviations will not reduce the effectiveness of the facilities in protecting surface or groundwaters.

21—44.4(206) Certification of construction.

44.4(1) Upon completion of construction, certification by the owner or owner's agent shall be made to the department of agriculture and land stewardship that the facilities were constructed in accordance with rules 21—44.2(206) through 21—44.11(206). If departmental investigation, subsequent to the completion of construction, determines the constructed facilities were not constructed in accordance with the submitted plans and specifications or the requirements of these rules, the owner shall correct any deficiencies in a timely manner as set forth by the department.

44.4(2) The department may exempt any person from a requirement under rules 21—44.2(206) through 21—44.11(206) if an engineering justification is provided demonstrating variations from the requirements will result in at least equivalent effectiveness.

21—44.5(206) New pesticide storage and mixing site location. New permanent storage and mixing sites as defined in rule 21—44.1(206) shall be selected in accordance with requirements of the department of natural resources. The new site, if located in a flood plain, shall be protected from inundation from floods. New permanent pesticide storage and mixing sites shall be located a minimum of 400 feet from public water supply wells or below ground level finished water storage facilities and a minimum of 150 feet from private water supply wells.

21—44.6(206) Pesticide storage and mixing site. Each site shall comply with those ordinances and regulations enacted by the city or county affected by such location that related to the location of such sites. All sites and facilities where flammable pesticides are stored shall comply with state and federal fire protection rules and regulations, including the National Fire Protection Standards (Standard 30) for storage of flammable liquids.

21—44.7(206) Secondary containment for nonmobile bulk pesticide storage and mixing. Base and walls of secondary containment facilities must be constructed of concrete, steel or other impervious materials that are compatible with the pesticides being stored and will maintain their integrity under fire conditions. Storage containers must be anchored, as necessary, to prevent flotation or instability in the event of discharge into the secondary containment facility. Routine inspection is required to ensure against cracks or other conditions that may reduce the effectiveness of the containment facility. Cracks that occur in a secondary containment structure must be repaired with an acceptable sealant, and other repairs shall be made as needed to maintain the effectiveness of the containment facility.

The diked area shall not have a relief outlet and valve. The base shall slope to a collecting spot where precipitation water may be pumped out, provided the liquid is not contaminated with pesticides. If contaminated with a pesticide, the liquid shall be disposed of in accordance with applicable hazardous or solid waste requirements or field-applied according to the pesticide label instructions.

44.7(1) Storage in other than an enclosed structure.

a. Secondary containment for nonmobile bulk liquid pesticide storage located in other than an enclosed structure shall be constructed with a volume sufficient to contain a minimum of 110 percent

of the capacity of the largest single container, plus the space occupied by other tanks located within the secondary containment structure.

b. Secondary containment for nonmobile bulk dry pesticide storage located in other than an enclosed structure shall be constructed to contain any releases of dry pesticide. The secondary containment will have as a minimum a six-inch-high curb separated horizontally from the storage vessel a minimum of three feet. Provisions shall be made for the collection of rainwater, and rainwater shall not be allowed to accumulate in the containment structure.

44.7(2) Storage in an enclosed structure.

a. Secondary containment for nonmobile bulk liquid pesticide storage located in an enclosed structure shall be constructed with a volume sufficient to contain a minimum of 100 percent of the capacity of the largest single container, plus the space occupied by other tanks located within the secondary containment structure.

b. Secondary containment for nonmobile bulk dry pesticide storage located in an enclosed structure shall be constructed to contain any releases of dry pesticide. The secondary containment will have as a minimum a six-inch-high curb separated horizontally from the storage vessel a minimum of three feet on an open side. Nonmobile bulk dry pesticide storage tanks may be constructed within three feet of a permanent wall provided the wall is lined with an impervious surface that contains and directs any spilled material into a containment structure according to the engineer's design plans.

44.7(3) Precipitation must not be allowed to accumulate in the secondary containment facility. Failure to properly maintain secondary containment facilities may subject the firm to state and federal regulations related to hazardous waste generators.

44.7(4) Discharges into a secondary containment facility must be promptly recovered to the maximum extent possible. Failure to properly manage discharge may subject the firm to pesticide misuse regulations and possibly to regulations related to hazardous waste generators.

44.7(5) Pesticides shall be handled in a manner that minimizes the movement of pesticide dusts, aerosols and vapors from the pesticide storage and mixing site. The following dust control measures shall apply to bulk dry pesticide storage tanks:

a. Primary vents on all tanks must be equipped with a dust filter. Filters shall be capable of handling 500 cubic feet per minute air flow. Primary filtration systems may be mounted on the tank or on the delivery truck.

b. Filters shall retain all particles greater than ten microns in size and retain greater than 90 percent of particles between three and ten microns in size.

c. Pressure relief valves shall be enclosed in a filter arrangement capable of retaining 100 percent of ten-micron particles. Filters shall be maintained on a regular basis and replaced when necessary to maintain the proper filtering capacity.

d. Tanks and loading areas and all plant site transfer systems shall be equipped with fittings that facilitate closed system handling.

44.7(6) Discharge of pesticides from a secondary containment facility shall be recovered to the maximum extent possible. The department of natural resources, the county sheriff or local police shall be contacted as soon as possible, but not later than six hours after onset or discovery of spill.

21—44.8(206) Pesticide storage and mixing site containers.

44.8(1) Containers used for pesticide storage and handling shall be of materials and construction compatible with the pesticide stored and the conditions of storage and maintained in a manner as to minimize the possibility of a spill.

44.8(2) Storage container labeling and protection. Upon delivery of the bulk pesticide, the registered product label shall be affixed in a prominent location on the bulk pesticide storage container and designed to remain intact and legible throughout the active use of the container.

a. Locking devices are required on bulk pesticide storage containers, and all valves shall be closed and locked when the facility is left unattended.

b. Containers, pipes and valves must be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles.

21—44.9(206) Transportation of bulk pesticides. Bulk pesticide containers shall meet all applicable standards of the appropriate state and U.S. Department of Transportation laws and regulations.

44.9(1) Mobile bulk pesticide containers shall be secured to prevent significant movement during transportation.

44.9(2) Mobile bulk pesticide containers shall bear the registered product label for the material contained therein.

21—44.10(206) Mixing, repackaging and transfer of pesticides. Pesticides shall be mixed, repackaged and transferred in a manner that will prevent unreasonable adverse effects to humans or to the environment. Physical and chemical properties, including volatility, toxicity and flammability, shall be considered in the mixing, repackaging and transfer of pesticides.

44.10(1) Spilled, leaked or unchecked pesticides.

a. Liquid pesticides that are spilled, leaked or otherwise unchecked during the normal operation of permanent pesticide storage and mixing sites (including the mixing, repackaging and transfer of pesticides) must discharge or drain into a watertight catch basin from which discharges are to be recovered, including discharge from any empty pesticide containers not rinsed according to label.

b. Dry pesticides that are spilled or otherwise unchecked during normal operation of permanent pesticide storage and mixing sites (including the mixing, repackaging and transfer of pesticides) must be located within an operational containment area that is curbed and watertight to facilitate the recovery of any product spilled.

44.10(2) All washing of pesticide handling and application equipment performed at a permanent pesticide storage and mixing site shall be conducted within an area that drains to a watertight containment structure. No pesticide rinsates or wash waters from pesticide equipment shall be disposed of through storm sewer systems, no pesticide rinsates or wash waters shall be disposed of through sanitary sewer systems without a National Pollutant Discharge Elimination System Permit, and no pesticide rinsates or wash waters shall be disposed of through sanitary sewers connected to a publicly owned treatment works without prior approval of the sanitary sewer authority and in accordance with the discharge limitations of a pretreatment agreement or sewer use ordinance.

44.10(3) Before being refilled, bulk pesticide containers must be thoroughly cleaned, except when a sealed or dedicated recyclable bulk pesticide container is refilled with the same labeled pesticide product as the preceding product.

44.10(4) All drainage into a containment structure shall be monitored and properly managed. All rinsates and minor spillages related to pesticides that have not resulted from a container failure and that accumulated in the secondary containment structure shall be disposed of as provided by the product's original labeling. If contaminated with a pesticide product that is labeled incompatible because of chemical characteristics, the pesticide bureau of the department of agriculture and land stewardship shall be contacted for guidance.

44.10(5) All pesticide handling facilities shall be equipped with adequate personal protective equipment as required by each label of each pesticide handled and as needed for the number of employees handling these pesticides. Emergency first-aid provisions shall be maintained in an area immediately accessible by all employees, if and when needed.

44.10(6) Field mixing and transferring of pesticides, including field rinsing of equipment, is exempted from the on-site containment provisions of rule 21—44.2(206). Rinsates shall be field-applied at rates compatible with pesticide product labeling. No mixing and transferring of pesticides and rinsing of equipment shall be conducted on public highways, roads or streets.

21—44.11(206) Distribution of bulk pesticides. Bulk repackaging for sale or delivery may be made provided the establishment conducting the transfer, sale or delivery shall comply with FIFRA, Section 7 (registration of pesticide producing establishments), as amended to October 29, 2008.

44.11(1) There shall be no change in pesticide product labeling, except for the addition of the required EPA establishment number and net contents statement; or identity of the party accountable for

the integrity of the product (i.e., the manufacturer or registrant as evidenced by the assigned EPA product registration number).

44.11(2) A written letter of authorization from the registrant is required for the bulk repackaging.

44.11(3) Bulk repackaging may be made only into containers that conform with rules 21—44.8(206) and 21—44.9(206) and that meet the approval of the seller of the pesticide.

44.11(4) Scales or meters used for bulk pesticide sales shall meet the specifications, tolerances and other technical requirements for weighing and measuring devices as specified by the department of agriculture and land stewardship, bureau of weights and measures.

44.11(5) Appropriate measures shall be taken to prevent contamination of product when meters or other devices are used to dispense pesticides.

21—44.12(206) Secondary containment for aerial applicator aircraft. If the spray component of an aircraft is being drained or repaired during aircraft maintenance, secondary containment with permanent devices or portable devices suitable for use with pesticides is required.

21—44.13 to **44.49** Reserved.

FERTILIZERS AND BENEFICIAL SUBSTANCES

21—44.50(200) On-site containment of fertilizers and beneficial substances. Effective February 18, 1987, all new construction of fertilizer, fertilizer material and beneficial substance permanent storage sites shall provide secondary product containment as specified in rules 21—44.51(200) through 21—44.58(200).

21—44.51(200) Definitions.

"Low-nutrient substance" means a beneficial substance that meets all of the following conditions:

1. Contains less than 8 percent of the total combined nitrogen, available phosphorus (P_2O_5), and soluble potassium (K_2O);
2. Contains less than 3 percent nitrogen;
3. Does not contain any animal or fish by-products unless the substance is finished compost pursuant to 567—Chapter 105;
4. Is not a hazardous waste as defined in Iowa Code section 455B.411;
5. Meets the criteria for land application in 567—subrules 102.103(2) through 102.103(7).

"Minimally manipulated manures" means minimally processed, nonliquid substances that are composed primarily of excreta, plant remains, or mixtures of such substances.

"Minimally processed" means a nonliquid substance processed in a manner that does not modify the nutrient value on a dry matter basis.

"Mobile containers" means containers that are designed and actively used for transporting fertilizers, fertilizer materials or beneficial substances.

"Permanent storage site" means a location where fertilizers, fertilizer materials or beneficial substances are stored or intended to be stored and the combined nominal capacity of all storage structures on the site are 5,000 gallons or more.

"Permanent storage structure" means a storage structure that is located on a permanent storage site.

"Secondary containment structure" means a secondary structure, barrier or container that encompasses a storage structure to protect surface or groundwater from any runoff or leaching of a fertilizer, fertilizer material or beneficial substance due to a release from a storage structure.

"Storage structure" means a primary structure or container, except a mobile container, that is capable of use to store fertilizers, fertilizer materials or beneficial substances.

21—44.52(200) Design plans and specifications.

44.52(1) Design plans and specifications for permanent storage structures and secondary containment structures shall be submitted to and approved by the department prior to the start of construction, along with certification from a professional engineer (as defined in Iowa Code section

542B.2) that the designed storage structures and secondary containment structures will comply with all requirements of these rules. As part of its approval process, the department may conduct an on-site inspection of the permanent storage site and the locations of the permanent storage structures and secondary containment structures.

44.52(2) A person may deviate from the requirements of these rules if such deviations are clearly noted on the design plans and specifications, along with certification from a professional engineer that these deviations will not reduce the effectiveness of the permanent storage structure or secondary containment structures in protecting surface or groundwaters.

21—44.53(200) New permanent storage site location.

44.53(1) New permanent storage sites shall be selected in accordance with the requirements of the department of natural resources. The new permanent storage site, if located in a floodplain, shall be protected from inundation from floods. For earthen storage basins, construction requirements must comply with Iowa Wastewater Facilities Design Standards, Chapter 8C, as amended to June 18, 2025. For storage lagoons, the top of the lagoon embankments shall be constructed at least one foot above the 100-year flood elevation.

44.53(2) New permanent storage sites shall be located at a minimum of 400 feet from public water supply wells or below-ground, level-finished water storage facilities and a minimum of 150 feet from private water supply wells.

44.53(3) New permanent storage sites where a permanent storage structure does not completely enclose a fertilizer, fertilizer material, or beneficial substance shall be located, at a minimum:

a. 1,250 feet from a residence, business, church, school, or public use area.

b. 1,000 feet from any surface water intake, well, known sinkholes or open water source.

21—44.54(200) Certification of construction.

44.54(1) Upon completion of construction and prior to any storage of fertilizers, fertilizer materials or beneficial substances, the owner or owner's agent shall certify to the department that the storage structures and secondary containment structures were constructed in accordance with these rules. The department must approve the certification of construction for the permanent storage structures and secondary containment structures prior to any fertilizers, fertilizer materials or beneficial substances being stored in the storage structures.

44.54(2) As part of its approval process, the department may conduct an on-site inspection of the permanent storage site, the permanent storage structures and secondary containment structures. If departmental investigation, subsequent to the completion of construction, determines the constructed storage structure or secondary containment structure was not constructed in accordance with the submitted plans and specifications or the requirements of these rules, the owner shall correct any deficiencies in a timely manner as set forth by the department.

44.54(3) The department may exempt any person from a requirement under rules 21—44.52(200) through 21—44.58(200) if an engineering justification is provided by an Iowa registered engineer certifying variations from the requirements will result in at least equivalent effectiveness. All materials and components used for permanent storage structures or secondary containment structures must be recognized by the manufacturer as an intended use for the particular purpose and product it is being used to contain. All storage structures must maintain the fertilizer or the beneficial substance labeled guaranteed analysis.

44.54(4) All permanent storage structures, secondary containment structures and any material or components must be installed according to the specifications of a registered engineer and in accordance with any manufacturer's recommendations.

44.54(5) Secondary containment structures may be constructed of earth, concrete, steel, synthetic material or any combination that is certified by a professional engineer as being impermeable for the fertilizer, fertilizer material or beneficial substance and meets the requirements of these rules. Secondary containment structures must be protected from surface water entering the secondary containment structure and must not have a relief outlet or valve within the secondary containment structure.

21—44.55(200) Secondary containment for liquid fertilizers, liquid fertilizer materials or liquid beneficial substances permanent storage structures. All permanent storage structures as defined in rule 21—44.51(200) that store a liquid fertilizer, fertilizer material or beneficial substance, except anhydrous ammonia storage facilities, must be located within a secondary containment structure. Secondary containment structures must comply with one of the following:

44.55(1) A secondary containment structure for a liquid fertilizer, fertilizer material or beneficial substance permanent storage structure shall have a volume 10 percent greater than the volume of the largest storage structure within the secondary containment structure, plus the space occupied by the other storage structure in the area.

44.55(2) A secondary containment structure for a liquid fertilizer, fertilizer material or beneficial substance permanent storage structure must have all of the following:

a. Secondary containment that encompasses the entire storage structure, and the storage structure must completely enclose the liquid fertilizer, fertilizer material or beneficial substance.

b. A functional liquid level monitoring device to prevent overfilling of the storage structure.

c. A functional leak detection system.

d. Valve and hose connections must be designed or constructed to prevent shearing.

e. Monthly inspections of all secondary containment and storage structure components.

44.55(3) A secondary containment structure that stores a low-nutrient product exclusively must meet all of the following conditions:

a. A guaranteed analysis of the low-nutrient substance intended to be stored prior to, or in conjunction with, the submission of the design plans and specifications for the permanent storage structures and secondary containment structures must be submitted to the department, and the department must approve that the substance qualifies as a low-nutrient substance.

b. A functional liquid level monitoring device to prevent overfilling of the storage structure must be installed and maintained.

c. A functional leak detection system must be installed and maintained.

d. Valve and hose connections must be designed or constructed to prevent shearing.

e. Monthly inspections of all secondary containment and storage structure components must be completed.

f. Any storage structures that do not completely enclose the low-nutrient substance must have the capacity to hold a 100-year rain event in addition to the product stored at all times.

44.55(4) Secondary containment structures constructed entirely or partially of earth shall comply with the following minimum requirements:

a. A dike shall be protected against erosion. If the slope is 30 degrees or less, grass can be sufficient protection, provided it does not interfere with the required soil seal. If greater than 30 degrees, other methods of erosion protection shall be used.

b. Top width of a dike shall be no less than 2½ feet. The slope should be no greater than 45 degrees.

c. The base shall slope to a collecting spot where storm water can be pumped over the berm, provided the liquid is not contaminated with a fertilizer, fertilizer material or beneficial substance. If contaminated with a fertilizer, fertilizer material or beneficial substance, the liquid shall be field-applied at normal fertilizer application rates or transferred to a permanent storage structure.

d. Permanent storage structures shall be anchored or placed on a raised area to prevent flotation or instability in the event of discharge into the secondary containment structure.

44.55(5) Secondary containment structures constructed of concrete shall comply with the following requirements:

a. The base of the secondary containment structure shall be designed to support all storage structures and their contents.

b. The concrete base shall be sloped to a collecting area for recovery of fertilizer material. Storm water may be discharged over the containment wall, provided the liquid is not contaminated with a fertilizer, fertilizer material or beneficial substance. If contaminated, the liquid shall be field-applied at normal fertilizer application rates or transferred to a permanent storage structure.

c. Permanent storage structures shall be anchored or placed on a raised area to prevent flotation or instability in the event of discharge into the secondary containment structure.

21—44.56(200) Secondary containment for nonliquid fertilizers and beneficial substances. A nonliquid fertilizer, fertilizer material and beneficial substance stored in a totally enclosed building are exempt from the requirements of this rule. Unless stored in a totally enclosed building, all nonliquid fertilizers, fertilizer materials and beneficial substances shall be stored within a secondary containment structure. The secondary containment structure shall have a volume sufficient to retain the equivalent of 12 inches of rain. Secondary containment structures may be constructed of earth, concrete, synthetic material or any combination that is certified by a professional engineer as effective in protecting surface waters or groundwaters and meet the requirements of these rules.

44.56(1) Secondary containment structures constructed entirely or partially of earth shall comply with the following requirements:

a. A dike shall be protected against erosion. If the slope is 30 degrees or less, grass can be sufficient protection, provided it does not interfere with the required soil seal. If greater than 30 degrees, other methods of erosion protection shall be used.

b. Top width of a dike shall be no less than 2½ feet. The slope should be no greater than 45 degrees.

c. All liquid and other material collected shall be field-applied at normal fertilizer application rates or transferred to auxiliary storage tanks.

44.56(2) Low-nutrient substances may be stored without a secondary containment structure in the field of application if all of the following apply:

a. The low-nutrient substance is being temporarily stored in the field to prepare for application and is not stored as long-term storage or part of the manufacturing or mixing process.

b. The low-nutrient substance is stored in the field of application or adjacent fields of application and the amount stored does not exceed the necessary amount of nitrogen, phosphorus, or potassium to achieve optimal crop yields, as determined by average county or proven yields, or the substances recommended application rate on the acres in the fields of application. The total potential acres of application stored in any field shall not exceed an amount necessary for application on 640 acres.

c. The low-nutrient substance is stored in the field for a period not to exceed 12 weeks.

d. The low-nutrient substance meets all of the storage requirements for bulk dry animal nutrients under rule 21—49.7(200A), other than those in numbered paragraph "8," which instead shall be 1,250 feet.

21—44.57(200) Fertilizer loading, unloading, and mixing area.

44.57(1) All loading, unloading, and mixing of a liquid fertilizer, liquid fertilizer material, or liquid beneficial substance at a permanent storage site, unless performed in the field of application, shall be done within a containment area. The containment area shall be large enough to prevent spillage onto unprotected areas and paved with asphalt, concrete, or other impervious material. It shall slope to a recovery system that will allow collected materials to move to a containment structure that complies with rule 21—44.55(200). In addition, the area shall be so constructed, using curbs or other means, as to prevent spilled materials from running out of the containment area. Any contaminated liquid or material shall be field-applied at normal fertilizer rates or used in a liquid mixing operation.

44.57(2) All loading or mixing of a nonliquid fertilizer, nonliquid fertilizer material or nonliquid beneficial substance at permanent storage sites shall be done in an area paved with asphalt, concrete or other impervious materials. The area shall also be so constructed, using curbs or other means to prevent run-on or runoff of storm water generated by a four-inch rain. The area shall contain a recessed catch basin so that contaminated water can be moved to storage tanks or a secondary containment area. Uncontaminated rain water, ice, or snow can be discharged as storm water. Any contaminated water or other materials shall be field-applied at normal fertilizer rates or used in a liquid mixing operation.

44.57(3) A spill containment structure will not be required if loading, unloading, or mixing of a nonliquid fertilizer, nonliquid fertilizer material or nonliquid beneficial substance is done entirely within an enclosed building and no washing operations are conducted within the enclosed area.

44.57(4) Unloading of all types of equipment and loading of railroad cars with nonliquid fertilizers, nonliquid fertilizer materials or nonliquid beneficial substances shall be exempt from the containment area provisions of subrule 44.57(2), provided any materials spilled during the unloading or loading operations are promptly cleaned up and fed back into the unloading or loading system.

44.57(5) Rules 21—44.2(206) through 21—44.11(206) shall apply when fertilizers, fertilizer materials or beneficial substances and pesticides are combined.

44.57(6) Fertilizers, fertilizer materials and beneficial substances must be stored and handled in a manner that minimizes any movement of dust or vapors from off of the permanent storage site. Fertilizers, fertilizer materials and beneficial substances must be stored and handled in a manner that discourages vermin activity.

21—44.58(200) Wash water and rinsates. All washing of fertilizer, fertilizer material and beneficial substance handling and application equipment at permanent storage sites shall be conducted within an area that drains into a containment structure that complies with rule 21—44.55(200). No fertilizer rinsates or wash waters from fertilizer, fertilizer material or beneficial substance equipment shall be disposed of through sanitary or storm sewer systems. Field washing of fertilizer, fertilizer material or beneficial substance equipment is permissible and encouraged if performed at the site of final application for a given day and no runoff from the wash site occurs.

21—44.59(200) Operation requirements.

44.59(1) *Employee training.*

a. Any person who is required to transfer, mix, load, unload, or otherwise handle fertilizers, fertilizer materials or beneficial substances must receive training prior to engaging in such activities. Each employee must also receive training at least once each calendar year. The training shall include, at a minimum, instruction sufficient to ensure competence in safe handling and operating practices and appropriate response actions in the event of a discharge or other emergency.

b. Training records must be retained for five years.

44.59(2) *Site security.*

a. Access to the permanent storage site must be limited by use of physical barriers, including but not limited to fences or locked doors.

b. All main tank valves must be secured in the closed position when the facility is not in use.

c. Access to system controls and power supply must be secured when not in use.

44.59(3) *Site inspection.*

a. When any fertilizer, fertilizer material or beneficial substance is being stored at a permanent storage site, permanent storage structures and secondary containment structures must be inspected weekly. All materials and components used for permanent storage structures or secondary containment structures must be operated and maintained in accordance with the manufacturer's recommendations or best engineering practices. Any cracks, faults or other degradation of the structures must be fixed immediately.

b. Inspection records must be maintained for five years.

44.59(4) *Notice of release.* A permanent storage site shall notify the department within 24 hours of identifying any unintentional release or spill of fertilizers, fertilizer materials or beneficial substances from the permanent storage site's storage structures or secondary containment structure.

These rules are intended to implement Iowa Code chapter 200.

ARC 0254D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to child care centers and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 109, "Child Care Centers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 237A and 2025 Iowa Acts, House File 390.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 237A.5(1) and 45 CFR Part 98.

Purpose and Summary

This proposed rulemaking implements amendments required by 2025 Iowa Acts, House File 390. The legislation changes the requirement for child care center employees to have a physical examination within six months prior to employment to instead require the child care center employees to have a physical examination within six months of employment.

Additionally, this proposed rulemaking eliminates a requirement that providers cannot utilize a training credit more than one time every five years. Because of how frequently trainings are modified and updated, this will allow providers to have more flexibility in how they obtain their training hours.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026. A public hearing was held on the following date(s):

- April 21, 2026

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.

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 June 2, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building

321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

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

June 2, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH
June 2, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 210 627 075 668 02 Passcode: pS9uT6Pb

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 and reserve subparagraph **109.7(2)"a"(3)**.

ITEM 2. Amend paragraph **109.9(1)"b"** as follows:

b. A physical examination report. As required in Iowa Code section 237A.5(1), personnel shall have good health as evidenced by a ~~preemployment~~ physical examination within six months of hire. Acceptable physical examinations shall be documented on a form prescribed by the department. The examination shall be performed within six months ~~prior to~~ of beginning employment and shall be repeated at least every three years. A physical examination may be requested if the employer has reason to believe an employee would not be able to perform a job successfully or safely due to a medical condition.

ARC 0253D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to interstate compact on the placement of children and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 142, "Interstate Compact on the Placement of Children," Iowa Administrative Code, and to adopt a new Chapter 142 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 232.158.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 232.158 and Public Law 115-123.

Purpose and Summary

The purpose of this proposed chapter is to provide consistent practice and structure for implementation of Iowa's participation in the Interstate Compact on the Placement of Children (ICPC). The ICPC is a statutory agreement among all states that provides safety and protection to children in out-of-state placements. Each state adopts and enacts the rules and regulations for the ICPC, which governs policies and procedures states must follow when placing children out of state. The agreement also includes directives on a state's financial responsibility for the welfare of each child's placement.

This proposed chapter was reviewed pursuant to Executive Order 10. As a result of this review, the Department made few changes because many of the provisions are required as a condition of participating in the ICPC. The Department was able to reduce the number of restrictive terms in the proposed chapter, however.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026. A public hearing was held on the following date(s):

- April 21, 2026

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.

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 June 2, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

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

June 2, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH

June 2, 2026	Microsoft Teams
2 to 2:30 p.m.	Meeting ID: 210 627 075 668 02
	Passcode: pS9uT6Pb

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 441—Chapter 142 and adopt the following **new** chapter in lieu thereof:

CHAPTER 142
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

441—142.1(232) Compact agreement. As a member of the interstate compact on the placement of children, the department will cooperate on interstate aspects of placements preliminary to possible adoptions, placements in foster care where no adoption is contemplated, placements with any parent or relative, and institutional placements of adjudicated children in need of assistance needing special services or programs not available within the state. Any public or private agency instrumental in placement of a child in Iowa or from Iowa and in such public or private agency's custody will go through the interstate compact on placement of children.

441—142.2(232) Compact administrator.

142.2(1) The compact administrator may appoint up to three deputy compact administrators to serve as active members of the association of administrators of the interstate compact on the placement of children and who shall be responsible for day-to-day operation of the interstate compact.

142.2(2) The compact administrator shall be responsible for the administration of the compact between the compact administrator's state and other contracting states.

441—142.3(232) Article III(a) procedures.

142.3(1) All intended placements in Iowa or from Iowa coming under the purview of this compact shall be referred to the department.

142.3(2) All persons involved in the placement of a child into Iowa or from Iowa into another state shall meet all the placement requirements of the receiving state prior to the actual placement.

142.3(3) Supervision of placements made by persons or agencies outside of Iowa shall be provided by a licensed Iowa agency, the department, or an Iowa-certified adoption investigator. Exempted from this provision are:

a. Any agency licensed as a child-placing agency in another state that has its principal place of business in a county directly adjacent to an Iowa border may practice in the Iowa counties contiguous to the out-of-state county.

b. Placement in a facility for treatment that is licensed by the department unless the department specifies that the supervision must be provided by the department for all placements in any particular facility.

441—142.4(232) Article III(c). A child may be placed in Iowa preliminary to adoption only when there has been a preplacement investigation by an authorized person or agency in Iowa, such investigation has been made available to the department, the investigation has been made within the past year, and the sending state intending to place the child has been notified that the home has been approved for an adoptive placement in Iowa.

441—142.5(232) Article V(c). For the purposes of article V(c), "sending state" means "sending agency."

441—142.6(232) Article VIII(a). For the purpose of article VIII(a), "relative" means stepparent, grandparent, adult brother or sister, or adult uncle or aunt, and "guardian" means any guardian other than that appointed as preliminary to adoption.

441—142.7(232) Applicability. The requirements of this compact shall be in effect for all placements into Iowa from any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada and any province thereof, or from Iowa to any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada and any province thereof.

441—142.8(232) NEICE database.

142.8(1) *Definitions.* For the purpose of this chapter, unless the context otherwise requires:

"National Electronic Interstate Compact Enterprise system" or *"NEICE system"* means the national electronic web-based system for administration of the interstate compact on the placement of children made available to states by the American Public Human Services Association through its affiliate, the Association of Administrators of the Interstate Compact on the Placement of Children.

"Security requirements" means all policies or system security guidance established by the department and the department of management related to the use of external computer systems for the storage of personally identifiable data elements of applicants for and recipients of department services. Security requirements as defined herein include but are not necessarily limited to completion by the vendor of the then-current cybersecurity framework made available by the National Institute of Standards and Technology, department confirmation that the system has passed the cybersecurity framework analysis, completion by the vendor of an information security risk assessment acceptable to the department, performance by the vendor of a system penetration test acceptable to the department, and an application scan for vulnerabilities, as well as remediation of any vulnerabilities identified.

142.8(2) *Department obligation to provide data to the NEICE system.*

a. At all times that the NEICE system meets security requirements, the department will place in the system all data elements and information that the system is configured to accept concerning children subject to the interstate compact.

b. Prior to placing personally identifiable data elements in the NEICE system, the department will confirm that the NEICE system complies with all security requirements. If at any time after placement of personally identifiable data in the NEICE system the department determines that the NEICE system fails to meet all security requirements or that personally identifiable data placed in the system by the department has been used or disclosed inappropriately, the department may cease using the NEICE system and may demand that all data provided by the department be removed from the system.

These rules are intended to implement Iowa Code section 232.158.

ARC 0252D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to interstate compact for juveniles and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 143, "Interstate Compact on Juveniles," and to adopt a new Chapter 143, "Interstate Compact for Juveniles," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 232.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 232.171 through 232.173 and 4 U.S.C. Section 112.

Purpose and Summary

The purpose of this proposed chapter is to provide consistent practice and structure for implementing the Interstate Compact for Juveniles (Compact). Participation in the Compact serves multiple purposes, some of which include ensuring safety of not only the youths but the communities in which they reside and returning to their homes youths who have run away, escaped or absconded.

This proposed chapter was reviewed pursuant to Executive Order 10. As a result of the review, the Department updated the title of the chapter to reflect the correct name of the Compact and eliminated an obsolete subrule.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026. A public hearing was held on the following date(s):

- April 21, 2026

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.

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 June 2, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

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

June 2, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH
June 2, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 210 627 075 668 02 Passcode: pS9uT6Pb

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 441—Chapter 143 and adopt the following **new** chapter in lieu thereof:

CHAPTER 143
INTERSTATE COMPACT FOR JUVENILES

441—143.1(232) Compact agreement. As a member of the interstate compact for juveniles, Iowa is in a contractual agreement with the other 49 states, the District of Columbia or its designee, and the United States Virgin Islands, in which the department shall cooperate on interstate aspects of juvenile delinquency, and the return from one state to another of nondelinquent children who have run away from home.

441—143.2(232) Compact administrator.

143.2(1) The compact administrator may appoint a deputy compact administrator to serve as an active member of the interstate commission for juveniles and who shall be responsible for day-to-day operation of the interstate compact.

143.2(2) The compact administrator shall be responsible for the administration of the compact between the compact administrator's state and other contracting states.

441—143.3(232) Sending a juvenile out of Iowa under the compact.

143.3(1) Local officials requesting to transfer a juvenile to another state shall work through the office of the compact administrator. All persons using the compact shall comply with the official rules and regulations promulgated by the compact administrator under the authority of the compact.

143.3(2) Interstate Compact for Juveniles Form VI, Application for Services and Waiver, shall be signed by the juvenile and a witness, the Iowa juvenile court judge consenting to the placement in the receiving state, and the juvenile compact deputy.

143.3(3) The Application for Services and Waiver shall have the conditions of the probation or parole as granted by the court of jurisdiction attached.

143.3(4) Whenever a juvenile is accepted in another state for supervision, the Iowa sending agency shall send medical release and financial statements signed by the parents or guardian.

441—143.4(232) Receiving cases in Iowa under the interstate compact.

143.4(1) The department shall accept supervision of out-of-state cases when a juvenile meets the requirements of the interstate compact.

143.4(2) The department shall exercise the same care and treatment that is given to Iowa cases to notify the sending state promptly of any violations or antisocial behavior that may occur.

143.4(3) The receiving state shall promptly upon parole or probation violation notify the sending state. Prior to making a recommendation for revocation of parole or probation, a preliminary hearing shall be held to determine if there is probable cause for revocation of parole or probation.

143.4(4) A parolee or probationer from another state held or placed in Iowa under the provisions of article I of the compact and who commits a felony while in Iowa shall be:

a. Returned to the sending state per mutual agreement; or

b. Processed according to the Iowa statutes and not returned to the sending state for violation.

441—143.5(232) Runaways.

143.5(1) A runaway from Iowa or to Iowa shall be returned to the state of residence only after Interstate Commission for Juveniles Rule 6-102 as amended to August 1, 2026, setting forth the voluntary procedures, or Interstate Commission for Juveniles Rule 6-103 as amended to August 1, 2026, setting forth the involuntary procedures, has been completed by the asylum court of jurisdiction.

143.5(2) Any nondelinquent runaway from another state found in Iowa shall be held only in a nonrestrictive shelter facility until returned to the state of legal residence.

143.5(3) Any nondelinquent runaway from another state found in Iowa may be held in a nonrestrictive shelter facility beyond 48 hours on issuance of a court order to permit arrangements for return to the home state or to permit the demanding state opportunity for issuance of a requisition under Interstate Commission for Juveniles Rule 6-103 as amended to August 1, 2026.

143.5(4) Any runaway from another state who is charged with a felony under Iowa Code chapter 232 may either be held in a secure setting until returned to the state of legal residence or be adjudicated delinquent under Iowa Code chapter 232, placed on probation, and returned to the state of legal residence under article I of the compact.

143.5(5) Any adjudicated delinquent who has escaped or absconded from another state and has been apprehended as a nondelinquent runaway in Iowa may be held in a secure setting awaiting return to the demanding state under Interstate Commission for Juveniles Rules 6-102 and 6-103, both as amended to August 1, 2026.

143.5(6) The department shall pay for the return to Iowa of any runaway, escapee, or absconder for whom the department has, at the time the juvenile left the state, legal custody or guardianship responsibility. The responsibility for the payment for the return of a runaway, escapee, or absconder not under custody or guardianship of the department shall be that of the juvenile court having legal jurisdiction of the juvenile.

These rules are intended to implement Iowa Code section 232.173.

ARC 0256D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to waivers and contested cases before the boiler and pressure vessel board and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 380, "Boiler and Pressure Vessel Board Administrative and Regulatory Authority," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 89.14(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

Pursuant to Senate File 2463, section 5, subsection (2)"b," these proposed rules have been determined to be necessary by the agency to enhance procedures related to contested cases and waivers before the Boiler and Pressure Vessel Board. These rules supplement the uniform rules in a way that assists both applicants and the Board. This proposed rulemaking modifies the Board's administrative and regulatory authority rules to supplement the agency's uniform rules on contested case provisions found in 7—Chapter 2506 and on waivers found in 7—Chapter 2504.

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.

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 June 2, 2026. Comments should be directed to:

Mitchell Mahan
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.443.1051
Email: mitchell.mahan@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0255D**, IAB 5/13/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 0257D

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Proposing rulemaking related to state housing trust fund and providing an opportunity for public comment

The Iowa Finance Authority hereby proposes to amend Chapter 19, "State Housing Trust Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 16.5(1)"r" and 16.181.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.5(1)"r" and 16.181.

Purpose and Summary

The Authority proposes to amend Chapter 19 to update the date of the allocation plan applicable to the Housing Trust Fund administered by the Authority pursuant to Iowa Code section 16.181. The Authority Board approved an updated allocation plan at its meeting on February 4, 2026, that changed the Local Housing Trust Fund Program's local match requirement to 10 percent of the total amount requested from the Fund.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026. A public hearing was held on the following date(s):

- March 24, 2026

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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on June 2, 2026. Comments should be directed to:

Lisa Connell
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50309
Email: lisa.connell@iowaeda.com

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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 paragraph **19.1(1)"a"** as follows:

a. The Iowa Finance Authority State Housing Trust Fund Allocation Plan for the Local Housing Trust Fund Program dated ~~September 8, 2021~~ February 4, 2026; and

ARC 0293D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to vehicle impoundment and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 6, "Vehicle Impoundment," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 80.5 and 321.89.

Purpose and Summary

The purpose of Chapter 6 is to establish impoundment and abandoned vehicle procedures for the Iowa State Patrol (ISP) and other peace officers of the Department. After reviewing this chapter in accordance with Executive Order 10, the Department has determined this chapter to be duplicative of existing statute. Further, the Department does not possess rulemaking authority for this chapter and therefore proposes rescinding Chapter 6 in its entirety.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

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 Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(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 June 3, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

June 2, 2026 9 to 9:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
June 3, 2026 2:30 to 3 p.m.	First Floor Public Conference Room 125 Oran Pape 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 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 and reserve **661—Chapter 6**.

ARC 0294D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to criminal intelligence information and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 81, "Criminal Intelligence Information," Iowa Administrative Code, and to adopt a new Chapter 81 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 692.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 692.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 81 and adopt a new chapter in lieu thereof. The proposed chapter ensures the security and confidentiality of all systems established for the exchange of intelligence data between criminal and juvenile justice agencies and provides for the authorization of officers or employees to access a system in which criminal intelligence information is stored.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025. A public hearing was held on the following date(s):

- December 22, 2025

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 Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(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 June 3, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

June 2, 2026 10 to 10:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
June 3, 2026 3 to 3:30 p.m.	First Floor Public Conference Room 125 Oran Pape 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 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 81 and adopt the following **new** chapter in lieu thereof:

CHAPTER 81
CRIMINAL INTELLIGENCE INFORMATION

661—81.1(692) Definitions. The following definitions apply to this chapter.

"Commissioner" means the commissioner of the department of public safety or the commissioner's designee.

"Criminal intelligence file" means information stored in a criminal intelligence system that is compiled in an effort to anticipate, prevent, or monitor possible criminal activity on:

1. An individual who, based upon reasonable grounds, is believed to be involved in the actual or attempted planning, organization, financing, promotion, or commission of criminal acts or is believed to be involved in criminal activities with known or suspected criminal offenders.

2. A group, organization or business that, based on reasonable grounds, is believed to be involved in the actual or attempted planning, organization, financing, promotion, or commission of criminal acts, or of being illegally operated, controlled, financed, promoted, or infiltrated by known or suspected criminal offenders.

3. An incident in which sufficient articulable facts give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that a definable criminal activity or enterprise is, has been, or may be committed.

"Criminal intelligence file" does not include surveillance data as defined in Iowa Code section 692.1.

"Criminal intelligence system" means the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information.

"Need to know" is established if criminal intelligence information will assist a recipient in anticipating, investigating, monitoring, or preventing possible criminal activity or if criminal intelligence information is pertinent to protecting a person or property from a threat of imminent serious harm.

"Noncriminal identifying information" means information about the characteristics and associations of an identifiable person suspected of being involved in criminal activity.

"Reasonable grounds" means information that establishes sufficient articulable facts that give a trained law enforcement or criminal investigative agency officer, investigator, or employee a reasonable basis to believe that a definable criminal activity or enterprise is, has been, or may be committed.

"Right to know" is established when a recipient of criminal intelligence information is legally permitted to receive intelligence data or an intelligence assessment.

"Surveillance data" means the same as defined in Iowa Code section 692.1(16). Noncriminal identifying information does not constitute surveillance data.

"Threat of imminent serious harm" means a credible impending threat to the safety of a person or property. A threat of imminent serious harm justifies the dissemination of intelligence data or an intelligence assessment for the purpose of protecting a person or property from the threat.

661—81.2(692) Iowa law enforcement intelligence network (LEIN) information system.

81.2(1) *LEIN information system.* The Iowa law enforcement intelligence network (LEIN) information system is the statewide interjurisdictional intelligence system maintained and operated by the intelligence division of the department of public safety, for the regular interagency exchange of criminal intelligence files. Criminal intelligence files contained in the LEIN information system may be disseminated or redisseminated by the intelligence division of the department of public safety, consistent with Iowa Code chapter 692.

81.2(2) *Direct computer access.* The commissioner may authorize a peace officer, criminal justice agency, or state or federal regulatory agency to access the LEIN information system directly via a remote computer terminal, provided that the authorized individual or agency follows approved procedures regarding receipt, maintenance, dissemination, submission and security of information, and related training. Authorization may be provided in writing or electronically.

81.2(3) *Termination of authorization for direct computer access.* The commissioner may, at any time for good cause, terminate authorization for direct, remote computer access to the LEIN information system that has been previously approved. An individual or agency whose authorization to directly access the LEIN information system via remote computer has been terminated may appeal the termination in accordance with procedures for contested cases established in 661—Chapter 10.

81.2(4) *Reinstatement of authorization for direct computer access.* Any user whose authorization for direct, remote computer access to the LEIN information system has been terminated may apply for the authorization for access to be reinstated, provided that the problem that led to the termination has been corrected.

81.2(5) *Applications for direct computer access.* To apply for direct, remote computer access to the LEIN information system or to obtain further information about the LEIN information system, a person may contact the Intelligence Division, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, or by email at intinfo@dps.state.ia.us.

81.2(6) *Entry of information—restrictions.* Information about the political, religious, racial, or social views, associations, activities or sexual orientation of any individual shall not be entered into the LEIN information system unless such information constitutes noncriminal identifying information or is relevant to an investigation of criminal conduct or activity involving an identifiable individual.

81.2(7) *Entry of information—conformance with applicable law.* No information that is deemed unreliable because it has been obtained in violation of any applicable federal, state, or local law or ordinance, or these rules, may be entered into the LEIN information system.

81.2(8) *Dissemination.* Intelligence data from the LEIN information system may be disseminated only to peace officers, criminal justice agencies, or state or federal regulatory agencies. Intelligence data from the LEIN information system may be disseminated only when there is a right to know and a need to know in the performance of a law enforcement activity. Intelligence data from the LEIN information system shall not be disseminated to any user whose authorization to access the LEIN information system has been terminated and has not been reinstated.

EXCEPTION: Intelligence assessments may be disseminated to any agency or organization for an official purpose or to a person in order to protect a person or property from the threat of imminent serious harm as defined in rule 661—81.1(692).

81.2(9) *Redissemination of intelligence data and intelligence assessment.* An agency, organization, or person receiving intelligence data or an intelligence assessment from the department pursuant to Iowa Code chapter 692 may redisseminate the intelligence data or intelligence assessment only if authorized by the agency or peace officer who originally provided the data or assessment and if the data or assessment is for an official purpose in connection with the prescribed duties of the recipient. If the agency, organization, or person receiving the information is not a peace officer, criminal or juvenile justice agency, or state or federal regulatory agency, redissemination is allowed only if such redissemination is for an official purpose and if the information is redisseminated in order to protect a person or property from the threat of imminent serious harm. The department may also place restrictions on the redissemination by the agency, organization, or person receiving the intelligence data or intelligence assessment. Any agency, organization, or person who redisseminates intelligence data or an intelligence assessment pursuant to Iowa Code chapter 692 must maintain a list of the agencies, organizations, and persons receiving the intelligence data or intelligence assessment and the purpose of the redissemination. Intelligence data and intelligence assessments must be maintained separately from and should not be included in any form in any investigative or prosecutorial files. An agency, organization, or person who redisseminates information without proper authorization may be prohibited from receiving further intelligence assessments.

661—81.3(692) Criminal intelligence file security. The intelligence division of the department of public safety adopts administrative, technical, and physical safeguards, including audit trails, to ensure against unauthorized access and against intentional or unintentional damage to the LEIN information system. These safeguards include but are not limited to the following:

81.3(1) Records indicating who has been given the information, the reason for release of information, and the date of any dissemination shall be maintained until the information has been purged.

81.3(2) Criminal intelligence files shall be labeled to indicate security level and identities of submitting agencies and submitting individual.

81.3(3) Where appropriate, effective and technologically advanced computer software and hardware designs shall be implemented to prevent unauthorized access.

81.3(4) Any access to criminal intelligence files and computing facilities in which the files are stored shall be restricted to authorized personnel.

81.3(5) Criminal intelligence files shall be stored in such a manner that the files cannot be modified, destroyed, accessed, purged, or overlaid in any fashion by unauthorized personnel.

81.3(6) Computer systems on which criminal intelligence files are stored shall be programmed to detect, reject, and record any unauthorized attempt to access, modify, or destroy criminal intelligence files or to otherwise penetrate the security safeguards on such a system.

81.3(7) Access to any information required to gain authorized access to criminal intelligence files, including access codes and passwords, shall be restricted only to personnel authorized to access these files. The intelligence division shall ensure that criminal intelligence files remain confidential when specific agreements are entered into with individuals or organizations that provide computer or programming support to the agency.

81.3(8) Procedures shall be adopted to protect criminal intelligence files from unauthorized access, theft, sabotage, fire, flood, wind, and natural or other disasters.

81.3(9) Procedures shall be adopted establishing the right of the intelligence division to screen and reject for employment any personnel who would, if hired, have access to criminal intelligence files.

81.3(10) Procedures shall be established allowing the removal or transfer, based on good cause, of any existing employees from positions in which they have access to criminal intelligence files.

81.3(11) Any compromise, or suspected compromise, of information that would allow unauthorized access into criminal intelligence files shall be reported without delay and, in any event, by the end of the next business day, to a supervisor within the intelligence division of the department of public safety.

81.3(12) Any compromise, or suspected compromise, of information contained in criminal intelligence files shall be reported without delay and, in any event, by the end of the next business day, to a supervisor within the intelligence division.

661—81.4(692) Review of criminal intelligence files—purging.

81.4(1) The intelligence division regularly reviews the information in criminal intelligence files for reclassification or purging. Decisions to retain, reclassify, or purge criminal intelligence files shall:

a. Ensure that the information is current, accurate and relevant to the needs of the agency.

b. Safeguard individual privacy interests protected by federal and state laws.

c. Ensure that security classifications remain appropriate.

81.4(2) Information that is misleading, unreliable, or no longer useful shall be purged or reclassified, when necessary, without delay. Any person or agency to which the criminal intelligence file was disseminated shall be notified of the reclassification or purge.

81.4(3) All information is reviewed within a five-year period of its submission to ensure compliance with subrule 81.4(1).

81.4(4) All information retained after a review shall reflect the name of the reviewer, date of review, and an explanation of the decision to retain.

81.4(5) Information that is not retained in a criminal intelligence file after a review shall be deleted from the LEIN information system.

661—81.5(692) Subpoenas and court orders. Any agency or individual shall notify the department in writing without delay and, in any event, by the end of the next business day of the receipt of any subpoena, court order, request for production, or other legal process demanding the production of a criminal intelligence file, so that the department has an opportunity to make a timely resistance.

These rules are intended to implement Iowa Code chapter 692.

ARC 0295D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to wireless communications service provider database and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 87, "Wireless Communications Service Provider Database," Iowa Administrative Code, and to adopt a new Chapter 87 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 2015 Iowa Acts, House File 447.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 34A.16.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 87 and adopt a new chapter in lieu thereof. The proposed chapter effectuates Iowa Code section 34A.16 by establishing the Wireless Communications Service Provider Database in the Department and providing requirements.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025. A public hearing was held on the following date(s):

- November 4, 2025

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 Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(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 June 3, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319

Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

June 2, 2026 9 to 9:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
June 3, 2026 2 to 2:30 p.m.	First Floor Public Conference Room 125 Oran Pape 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 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 87 and adopt the following **new** chapter in lieu thereof:

CHAPTER 87
WIRELESS COMMUNICATIONS SERVICE PROVIDER DATABASE

661—87.1(34A) Wireless communications service provider database established. The wireless communications service provider database is established in the department of public safety pursuant to and to effectuate Iowa Code section 34A.16.

661—87.2(34A) Administration of database. The database is administered by the division of intelligence within the department. The information in the database shall only be available to law enforcement agencies and public safety answering points (PSAPs) and only as authorized in Iowa Code section 34A.16 and these rules.

661—87.3(34A) Confidentiality. All information and records in the wireless communications service provider database maintained by the department and all inquiries and results of inquiries to the service providers are confidential records pursuant to Iowa Code section 22.7(5) and chapter 692 and any other applicable federal or state laws or rules.

661—87.4(34A) Database requirements.

87.4(1) The information provided by a wireless communications service provider includes:

a. Company name of the provider;

b. Physical address;

c. Mailing address;

d. Name of the point of contact for the provider;

e. Phone number and alternate phone number for the point of contact, which will be answered 24 hours a day, seven days a week, by a person or persons who can promptly provide the location

information of the cell phone or other wireless communications device upon the request of the department or other law enforcement agency or PSAP;

f. Fax number; and

g. Email address.

87.4(2) Each wireless communications service provider shall immediately provide the department with any updates or changes to the information required in subrule 87.4(1). On or before June 15 of each year, each wireless communications service provider shall confirm to the department the provider's information for the database.

87.4(3) The information required in subrule 87.4(1) may be submitted to the department by at least one of the following:

a. Email: intinfo@dps.state.ia.us.

b. Fax: 515.725.6320, Attn: Division of Intelligence, Subject: Wireless Communications Provider contact information.

c. U.S. mail: Iowa Department of Public Safety, Division of Intelligence, Oran Pape Building, 215 East 7th Street, Des Moines, Iowa 50319-0049.

661—87.5(34A) Procedures to request provider information. Upon a determination by a law enforcement agency or PSAP that emergency location information for a subscriber's cell phone or other wireless communications device is required, the law enforcement agency or PSAP may contact the interoperability communications bureau to request the contact information for the wireless communications systems provider.

These rules are intended to implement Iowa Code section 34A.16.

ARC 0255D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed Emergency

Rulemaking related to waivers and contested cases before the boiler and pressure vessel board

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 380, "Boiler and Pressure Vessel Board Administrative and Regulatory Authority," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 89.14(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

Pursuant to Senate File 2463, section 5, subsection (2)"b," these rules have been determined to be necessary by the agency to enhance procedures related to contested cases and waivers before the Boiler and Pressure Vessel Board. These rules supplement the uniform rules in a way that assists both applicants and the Board. This rulemaking modifies the Board's administrative and regulatory authority rules to supplement the agency's uniform rules on contested case provisions found in 7—Chapter 2506 and on waivers found in 7—Chapter 2504.

Reason for Adoption of Rulemaking Without Prior Notice and Opportunity for Public Participation

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because statute so provides.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(a), the Department also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on April 23, 2026, because uniform rules legislation allows for emergency rulemaking.

Adoption of Rulemaking

This rulemaking was adopted by the Department on February 18, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0256D** to allow for public comment.

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.

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 April 23, 2026.

The following rulemaking action is adopted:

ITEM 1. Renumber rule **481—380.5(89)** as **481—380.7(89)**.

ITEM 2. Adopt the following **new** rule 481—380.5(17A,89):

481—380.5(17A,89) Procedures for waivers in addition to 7—Chapter 2504.

380.5(1) *Filing petition.* A petition is deemed filed when it is received in the board's office. A petition and related materials for consideration should be sent to the Boiler and Pressure Vessel Board, Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321.

380.5(2) *Content of petition.* A petition for waiver shall include the state boiler identification number of the relevant object. The required form for a petition for waiver is available on the department's website.

380.5(3) *Posting of orders granting waivers.* The order or a copy of the order granting a waiver shall be conspicuously and permanently posted in the room where the object is installed.

380.5(4) *Violations.* Violation of a condition in a waiver order is a violation of the particular rule for which the waiver was granted. 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 rule at issue.

ITEM 3. Adopt the following **new** rule 481—380.6(17A,89):

481—380.6(17A,89) Procedures for contested cases in addition to 7—Chapter 2506.

380.6(1) *Reconsideration of inspection report.* The owner or operator of a piece of equipment subject to a written inspection report may petition the director for reconsideration of the report within 30 days of the issuance of the report. Failure to seek timely reconsideration of the inspection report from the director is a waiver of all appeal rights under Iowa Code section 89.14(6). The burden of demonstrating compliance with all applicable statutory provisions, administrative rules, and ASME Code sections rests upon the petitioning owner or operator.

a. A petition for reconsideration must be signed by the requesting party or a representative of that party. The required form for a petition for reconsideration is available on the board's website. A petition for reconsideration shall specify:

(1) The party seeking reconsideration, including mailing address and telephone number;
(2) The location of the equipment subject to the challenged inspection report;
(3) The inspection date;
(4) The inspector who issued the challenged inspection report;
(5) The specific findings or conclusions to which exception is taken;
(6) The relief sought.

b. A copy of the challenged inspection report shall be attached to the petition for reconsideration along with all relevant documents that the petitioning party desires the director to consider when evaluating the petition.

c. The director or a designee of the director is authorized to seek additional information relating to a petition for reconsideration from the petitioning party or any other entity possessing information the director deems relevant to the petition. This subrule, however, does not impose any responsibility or duty on the director to discover documents or other information that was not submitted with the petition for reconsideration.

d. Any petition for reconsideration that is not received by the office of the director within 30 days of the issuance of the challenged inspection report is untimely and will not be considered by the director.

e. Requests for waivers of administrative rules may only be made to the board pursuant to the provisions of 481—Chapter 381.

f. In ruling on a petition for reconsideration, the director may:

(1) Affirm the inspection report as issued;

(2) Issue an amended inspection report;

(3) Rescind the inspection report;

(4) Deny the petition as untimely.

g. Any petition for reconsideration that is not ruled upon by the director within 20 days of receipt by the office of the director is denied by the director, and the challenged inspection report will be considered affirmed as issued.

380.6(2) *Appeal to the board.* The director's ruling on a petition for reconsideration or the director's deemed denial of a petition for reconsideration may be appealed to the board. An appeal must be filed in writing with the board within 30 calendar days of the earlier of either the issuance of the director's written ruling on a petition for reconsideration or the director's deemed denial of a petition for reconsideration. At a minimum, an appeal includes a short and concise statement of the basis for the appeal. The required form for an appeal is available on the board's website. Consideration of an appeal of a ruling on a petition for reconsideration is a contested case proceeding subject to the provisions of Iowa Code chapter 17A. The director has an automatic right of intervention in any appeal of the ruling on petition for reconsideration and may defend the ruling in a contested case proceeding.

380.6(3) *Informal review.*

a. In order to preserve the ability of board members to participate in decision making, parties who desire participation in an informal review must therefore waive their right to seek disqualification of a board member based solely on the board member's participation in the informal review. Parties would not be waiving their right to seek disqualification on any other ground. By electing to participate in informal review, a party accordingly agrees that a participating board member is not disqualified from acting as a presiding officer in a later contested case proceeding.

b. The board may propose a preliminary order at the time of informal review. If a party does not consent to the preliminary order, the party must submit a request to proceed with formal contested case proceedings, including hearing, within ten days of the informal review.

c. File transmitted to the board. Upon receipt of a notice of hearing issued by the board, the director shall within 30 days forward to the board and all parties of record to the appeal copies of the challenged inspection report, the appellant's petition for reconsideration and all supporting documents, all other documents collected by the director in ruling on the petition for reconsideration, and the director's ruling on the petition for reconsideration.

380.6(4) *Presiding officer.*

a. The presiding officer in all contested cases is the board, a panel of board members, or an administrative law judge assigned by the department of inspections, appeals, and licensing. When board members act as presiding officer, they conduct the hearing and issue either a final decision or, if a quorum of the board is not present, a proposed decision. The board may be assisted by an administrative law judge when the board acts as presiding officer.

b. The board or a panel of board members when acting as presiding officer may request that an administrative law judge perform certain functions as an aid to the board or board panel, such as

ruling on prehearing motions, conducting the prehearing conference, ruling on evidentiary objections at hearing, assisting in deliberations, or drafting the written decision for review by the board or board panel.

c. All rulings by an administrative law judge who acts either as presiding officer or assistant to the board are subject to appeal to the board. A party must timely seek intra-agency appeal of prehearing rulings or proposed decisions to exhaust adequate administrative remedies. While a party may seek immediate board or board panel review of rulings made by an administrative law judge when sitting with and acting as an aid to the board or board panel during a hearing, such immediate review is not required to preserve error for judicial review.

d. Unless otherwise provided by law, when reviewing a proposed decision of a panel of the board or an administrative law judge, board members have the powers of and shall comply with the provisions of this chapter that apply to presiding officers.

380.6(5) *Subpoenas in a contested case.*

a. A request for a subpoena shall include the following information, as applicable:

(1) The name, address and telephone number of the person requesting the subpoena;

(2) The name and address of the person to whom the subpoena is directed;

(3) The date, time and location at which the person is commanded to attend and give testimony;

(4) Whether the testimony is requested in connection with a deposition or hearing;

(5) A description of the books, papers, records or other evidence requested;

(6) The date, time and location for production, or inspection and copying.

b. Each subpoena shall contain, as applicable:

(1) The caption of the case;

(2) The name, address and telephone number of the person who requested the subpoena;

(3) The name and address of the person to whom the subpoena is directed;

(4) The date, time and location at which the person is commanded to appear;

(5) Whether the testimony is commanded in connection with a deposition or hearing;

(6) A description of the books, papers, records or other evidence the person is commanded to produce;

(7) The date, time and location for production, or inspection and copying;

(8) The time within which a motion to quash or modify the subpoena must be filed;

(9) The signature, address and telephone number of the presiding officer;

(10) The date of issuance;

(11) A return of service attached to the subpoena.

c. Any person who is aggrieved or adversely affected by compliance with the subpoena or any party to the contested case who desires to challenge the subpoena must, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena. The motion shall describe the legal reasons why the subpoena should be quashed or modified, and may be accompanied by legal briefs or factual affidavits.

d. Upon receipt of a timely motion to quash or modify a subpoena, the board chairperson shall request an administrative law judge to hold a hearing and issue a decision. Oral argument may be scheduled at the discretion of the board or the administrative law judge. The administrative law judge may quash or modify the subpoena or deny the motion.

e. A person who is aggrieved by a ruling of an administrative law judge and who desires to challenge that ruling must appeal the ruling to the board by serving to the board, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge. If the decision of the administrative law judge to quash or modify the subpoena or to deny the motion to quash or modify the subpoena is appealed to the board, the board may uphold or overturn the decision of the administrative law judge.

f. If the person contesting the subpoena is not the party whose appeal is the subject of the contested case, the board's decision is final for purposes of judicial review. If the person contesting the subpoena is the party whose appeal is the subject of the contested case, the board's decision is not final for purposes of judicial review until there is a final decision in the contested case.

380.6(6) *Decisions.*

a. Proposed decision. Decisions issued by a panel of less than a quorum of the board or by an administrative law judge are proposed decisions. A proposed decision issued by a panel of the board or an administrative law judge becomes a final decision if not timely appealed by any party or reviewed by the board.

b. Final decision. When a quorum of the board presides over the reception of evidence at the hearing, the decision is a final decision. A copy of the final decision and order shall immediately be sent by certified mail to the appellant's last-known post office address or may be served as in the manner of original notices. Copies shall be mailed by interoffice mail or first-class mail to the counsel of record.

[Filed Emergency 4/22/26, effective 4/23/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0258D

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to sustainable aviation fuel production tax credit program

The Economic Development Authority hereby adopts new Chapter 80, "Sustainable Aviation Fuel Production Tax Credit Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 15.530 through 15.535.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 15.530 through 15.535.

Purpose and Summary

The Authority is adopting a new Chapter 80 to describe the policies and procedures applicable to the Sustainable Aviation Fuel Production Tax Credit Program created pursuant to Iowa Code sections 15.530 through 15.535 as enacted by 2025 Iowa Acts, Senate File 657. The program provides incentives to businesses that produce high-value sustainable aviation fuel from feedstock in Iowa.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 18, 2026, as **ARC 0068D**.

No public hearing was held. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on April 17, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond the legislation it is intended to implement.

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 Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 261—Chapter 80:

CHAPTER 80
SUSTAINABLE AVIATION FUEL PRODUCTION TAX CREDIT PROGRAM

261—80.1(15) Purpose. The purpose of this chapter is to encourage development of the sustainable aviation fuel industry using the SAF program to incentivize new and existing businesses to produce high-value sustainable aviation fuel in Iowa from feedstock.

261—80.2(15) Definitions. As used in this chapter, unless the context otherwise requires:

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Director" means the director of the authority.

"Eligible business" means the same as the definition of "eligible taxpayer" in Iowa Code section 15.531(2).

"Feedstock" means the same as defined in Iowa Code section 15.531(3) and includes carbon dioxide that is processed or refined in the state of Iowa and suitable for sustainable aviation fuel production without further enhancement.

"Foreign adversary" means a foreign government or a foreign nongovernment person as determined in 15 CFR §7.4 or 15 CFR §791.4 at any time on or after March 4, 2024, and that is listed in 15 CFR §7.4(a) or 15 CFR §791.4(a) at any time on or after March 4, 2024.

"Foreign adversary entity" means a foreign business subject to the jurisdiction of or organized under the laws of a foreign adversary or a foreign business owned, directed, or controlled by a foreign adversary.

"Foreign business" means the same as defined in Iowa Code section 9I.1.

"Renewable chemical program" means the renewable chemical production tax credit program administered pursuant to Iowa Code sections 15.315 through 15.322 and 261—Chapter 81.

"SAF program" means the sustainable aviation fuel production tax credit program administered pursuant to Iowa Code sections 15.530 through 15.535 and this chapter.

"Sustainable aviation fuel" means the same as defined in Iowa Code section 15.531(5).

"Tax incentives" means the tax credits the authority awards to an eligible business as detailed in the agreement entered into pursuant to Iowa Code section 15.532(2).

261—80.3(15) Eligibility requirements. To be eligible to receive the sustainable aviation fuel production tax credit pursuant to the SAF program, a business shall meet all of the eligibility requirements in Iowa Code section 15.532. Additionally, a foreign business shall demonstrate that it is not associated with a foreign adversary or foreign adversary entity.

261—80.4(15) Application process and review.

80.4(1) Applications for tax credits may be submitted to the authority electronically by an eligible business from February 15 to March 15 of each calendar year, beginning February 15, 2027. The authority may adjust the annual application period under extenuating circumstances.

80.4(2) The application shall include the following information, including all information required by Iowa Code section 15.532(1)*"e"*:

a. The amount of sustainable aviation fuel produced in the state of Iowa from feedstock by the eligible business during the immediately previous calendar year, measured in gallons.

b. Documentation that sustainable aviation fuel achieves at least a 50 percent life cycle greenhouse gas emissions reduction as determined by either of the following:

(1) The method described in Iowa Code section 15.531(5)*"a"*; or

(2) The method described in Iowa Code section 15.531(5)*"b."*

Acceptable documentation includes but is not limited to fuel testing conducted by the Iowa Central Fuel Testing Laboratory in Fort Dodge, Iowa.

c. The types and sources of feedstock used to produce sustainable aviation fuel, documented in sufficient detail to allow the authority to verify that such feedstock was processed or refined in the state of Iowa.

d. The city or county where the plant producing sustainable aviation fuel is located.

e. The date on which the eligible business organized, expanded or located in the state of Iowa.

f. Any other information reasonably required by the authority in order to establish and verify that the applicant is an eligible business and the amount of the tax credit under the SAF program.

80.4(3) Applications will be reviewed and scored on a competitive basis by a review committee established by the authority. If the authority deems that additional information is needed before reviewing and scoring can be completed, and the authority makes a written request for additional information from the applicant, the applicant must provide the requested information within 30 days of the date that the written request from the authority was made. If an applicant does not provide the requested information within 30 days, the application may be denied by the authority.

80.4(4) Applications determined by the authority to be complete and eligible will be reviewed and scored using criteria established by the authority to evaluate the economic impact of an eligible business's production of sustainable aviation fuel.

80.4(5) The authority will notify an applicant when the applicant has been approved or denied by the director to receive a tax credit.

261—80.5(15) Agreement and fees. An eligible business approved to receive a tax credit shall enter into an agreement pursuant to Iowa Code section 15.532(2). The eligible business must sign the agreement within 60 days of being notified of approval for the tax credit. Upon request by the eligible business, the authority may extend the time period for signing the agreement by an additional 30 days.

80.5(1) Upon execution of the agreement and prior to issuance of a tax credit certificate, the eligible business shall remit to the authority a one-time compliance cost fee in the amount of $500.

80.5(2) For the duration of the agreement and for as long as an eligible business claims tax incentives pursuant to the agreement, the eligible business shall remit to the authority an ongoing compliance cost fee equal to one-half of one percent of the value of the tax incentives claimed pursuant to the agreement. This ongoing compliance fee shall be due and payable upon filing of the eligible business's tax return for each tax year in which the eligible business claims such tax incentives.

261—80.6(15) Sustainable aviation fuel production tax credit.

80.6(1) *Calculation of tax credit amount.*

a. An eligible business that has entered into an agreement pursuant to rule 261—80.5(15) may be issued a tax credit certificate in an amount calculated as described in Iowa Code section 15.533(1). The tax credit certificate shall contain the information required by Iowa Code section 15.533(6)*"b"* and any other information required by the department of revenue.

b. If a business has facilities located in more than one state, only the sustainable aviation fuel produced at facilities physically located in the state of Iowa may be counted for the purpose of calculating the tax credit.

c. If the same eligible business has an ownership or equity interest in multiple facilities at which sustainable aviation fuel is produced, the facilities under common ownership will be considered a single eligible business for purposes of calculating the maximum tax credit amount. In calculating the maximum tax credit amount, only the pro rata share of each eligible business's ownership in a facility will be attributed to that eligible business.

d. The maximum amount of tax credit that may be issued under the SAF program to an eligible business for the production of sustainable aviation fuel in a calendar year shall not exceed the amount authorized by Iowa Code section 15.533(7)*"b"*(1).

80.6(2) *Eligible production years only.* An eligible business shall not receive a tax credit for sustainable aviation fuel produced before the 2026 calendar year or after the 2035 calendar year.

80.6(3) *Maximum number of credits.* An eligible business shall not receive more tax credit certificates under the SAF program than the number specified in Iowa Code section 15.533(7)*"b"*(2). Each tax credit must be applied for separately, and each application will be reviewed independently of past tax credits. Receipt of a tax credit in one year does not guarantee receipt of a tax credit in a subsequent year.

80.6(4) *Nontransferable.* The tax credit certificates are not transferable.

80.6(5) *Termination and repayment.* Tax credits may be reduced, terminated, or rescinded pursuant to Iowa Code section 15.532(3).

261—80.7(15) Claiming the tax credit.

80.7(1) *Maximum tax credit claimed.* An eligible business that has entered into an agreement pursuant to rule 261—80.5(15) and been issued a tax credit certificate pursuant to subrule 80.6(1) may claim a tax credit as described in Iowa Code section 15.533.

80.7(2) *Claiming the credit.* To claim the tax credit, a taxpayer is to include one or more tax credit certificates with the taxpayer's tax return and otherwise act in accordance with any applicable administrative rules adopted by the department of revenue.

80.7(3) *Refundable.* Any tax credit in excess of the tax liability is refundable. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following tax year.

261—80.8(15) Additional information. The authority may at any time request additional information and documentation from an eligible business, including but not limited to the operations and economic impact of the eligible business, and the authority may use the information in preparing and publishing any reports to be provided to the general assembly to the extent consistent with Iowa Code sections 15.534 and 15.107B. The authority shall keep confidential any information or record in its possession with respect to the SAF program in accordance with Iowa Code section 15.532(4)*"a,"* except that the identity of a tax credit recipient and the amount of the tax credit shall be considered public information.

261—80.9(15) Relationship to renewable chemical program. Pursuant to Iowa Code section 15.119(2)*"b,"* the authority may allocate up to $10 million collectively each fiscal year for purposes of the SAF program and the renewable chemical program. The authority board shall determine the amount of such $10 million allocated to each program in a given fiscal year. The authority shall determine whether a business may apply for and receive both a tax credit certificate pursuant to the renewable chemical program and a tax credit certificate pursuant to the SAF program in the same fiscal year. In making this determination, and among other factors, the authority may consider whether a business operates distinct facilities in the state such that a given production of chemicals does not and will not receive the benefits of both a tax credit pursuant to the renewable chemical program and a tax credit pursuant to the SAF program.

These rules are intended to implement Iowa Code sections 15.530 through 15.535.

[Filed 4/22/26, effective 6/17/26]
[Published 5/13/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0259D

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to early access integrated system of early intervention services

The State Board of Education hereby amends Chapter 120, "Early Access Integrated System of Early Intervention Services," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256B.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 34 CFR Part 303.

Purpose and Summary

This rulemaking eliminates a potential source of confusion by removing unnecessary and confusing cross-references to the dispute resolution procedures under Part B of the Individuals with Disabilities Education Act (IDEA). Some, but not all, of the procedures under Part B apply to Part C of IDEA (Early ACCESS). This rulemaking removes references to procedures that do not.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0102D**. A public hearing was held on the following date(s):

- March 24, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 16, 2026.

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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 281—120.811(34CFR303) as follows:

281—120.811(34CFR303) Dispute resolution: practice before mediators and administrative law judges. Unless otherwise provided by this chapter, any mediation conference or due process hearing under Division VI of this chapter shall be conducted according to rules ~~281—41.1000(256B,34CFR300)~~ 281—41.1002(256B,34CFR300), 281—41.1009(17A,256B) through 281—41.1012(17A,256B), and 281—41.1014(17A,256B) through 281—41.1016(~~256B,34CFR300~~ 17A).

[Filed 4/16/26, effective 6/17/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0260D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to autism support program

The Department of Health and Human Services hereby rescinds Chapter 22, "Autism Support Program," Iowa Administrative Code, and adopts a new Chapter 22 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 225D.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 225D.

Purpose and Summary

These rules provide definitions, provider qualifications, and appeal procedures related to the Autism Support Program created in Iowa Code chapter 225D. The purpose of the Autism Support Program is to provide funding for applied behavior analysis services and care coordination for children with a diagnosis of autism who meet certain financial and clinical eligibility criteria.

This chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the Department's review, the Department removed restrictive terms, removed references to a program that is sunsetting, referred definitions back to the applicable Iowa Code section, and removed redundant language.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 18, 2026, as **ARC 0128D**. Public hearings were held on the following date:

- April 7, 2026

Public comments were received from the Iowa Association of Behavior Analysts regarding the certification and licensure requirements listed in the rules.

Changes from the Notice have been made. As a result of public comment, the Department has updated the certification and licensure language to reflect current Iowa law. In addition, the Department has clarified that the proper service term is "applied behavior analysis," as opposed to "applied behavioral analysis" as currently stated in the rules.

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 22, 2026.

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 July 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 22 and adopt the following **new** chapter in lieu thereof:

TITLE III
MENTAL HEALTH

CHAPTER 22
AUTISM SUPPORT PROGRAM

441—22.1(225D) Definitions.

"Administrator" means the entity selected by the department through a request for proposal process or other contractual arrangement to administer the autism support program.

"Applicant" means an individual on whose behalf an application has been submitted but who has not been identified as an eligible individual or an individual who has received a denial of eligibility for the program.

"Applied behavior analysis" or *"ABA"* means the same as described in Iowa Code section 225D.1.

"Autism" means "autism spectrum disorder" as defined in Iowa Code section 514C.28.

"Autism service provider" means the same as defined in Iowa Code section 225D.1.

"Autism support fund" or *"fund"* means the autism support fund created in Iowa Code section 225D.2.

"Autism support program" or *"program"* means the program created in Iowa Code section 225D.2 to provide funding for applied behavior analysis and care coordination for eligible individuals with a diagnosis of autism.

"Care coordination" means the coordination of services performed by the regional autism assistance program under Iowa Code section 256.35.

"Clinically relevant" means the same as defined in Iowa Code section 225D.1.

"Diagnostic assessment of autism" means the same as defined in Iowa Code section 225D.1.

"Eligible individual" means the same as defined in Iowa Code section 225D.1.

"Federal poverty level" or *"FPL"* means the same as defined in Iowa Code section 225D.1.

"Household income" means household income, reported on the tax return on which the eligible individual is claimed as a dependent, as determined using the modified adjusted gross income methodology pursuant to Section 2002 of the federal Patient Protection and Affordable Care Act, Public Law 111-148 as amended to August 1, 2026. If the eligible individual's parents live together and file separate tax returns, the income reported on both parents' tax returns must be combined.

"Household size" means the total number of personal and dependent exemptions claimed on the tax return on which the eligible individual is claimed as a dependent plus any child under the age of 19 living in the household who is claimed for tax purposes by a noncustodial parent through a release of claim to exemption by the custodial parent.

"Maximum amount of treatment" means a maximum of 24 months of applied behavior analysis funded by the autism support program. Months of service are not required to be consecutive.

"Maximum annual benefit" means a maximum annual benefit amount of $36,000 per year for autism support program services for an eligible individual. For the purposes of this program, the annual benefit is calculated by using as a starting date the date the first service is reimbursed by the program and an ending date 12 months from the starting date. Expenditures included in the calculation of the maximum annual benefit include reimbursements to autism service providers for provision of applied behavior analysis. Cost-sharing paid by the eligible individual is not included in the calculation of the individual's annual benefit.

"Medical assistance" or *"Medicaid"* means assistance provided under the medical assistance program pursuant to Iowa Code chapter 249A and Title XIX of the Social Security Act as amended to August 1, 2026.

"Month of service" means any month in which an individual receives at least one billable unit of applied behavior analysis service funded by the autism support program.

"Provider network" means a network of autism service providers approved by the department to provide services to eligible individuals through the autism support program.

"Regional autism assistance program" or *"RAP"* means the program outlined in Iowa Code section 256.35.

"Treatment plan" means the same as defined in Iowa Code section 225D.1.

441—22.2(225D) Eligibility and application requirements. To be determined eligible for funding for services through the autism support program, an individual must meet the following requirements:

22.2(1) An individual shall submit an application to the department using a standardized application form available through the administrator's and the department's websites and from members of the provider network, RAP, and advocacy organizations.

22.2(2) An applicant for autism program services shall be less than the age of 14 at the time of application for the program. Proof of age must be provided at the time of application. An individual who reaches the age of 14 prior to receipt of the maximum benefits of the program may continue to receive services from the program in accordance with the individual's treatment plan, up to a maximum of 24 months of applied behavior analysis treatment.

22.2(3) An individual shall have a diagnosis of autism based on a diagnostic assessment of autism dated 24 months or less from the date of application for the program.

22.2(4) An individual shall be determined ineligible for coverage of applied behavior analysis services under the medical assistance program, Iowa Code section 514C.28 or 514C.31, or other private insurance coverage. Proof of insurance coverage and noneligibility for coverage for applied behavior analysis shall be provided at the time of application and shall include a written denial of coverage or a benefits summary indicating that the applied behavior analysis treatment or applied behavior analysis treatment is not a covered benefit for which the applicant is eligible under the Medicaid program, Iowa Code section 514C.28 or 514C.31, or other private insurance coverage.

22.2(5) An individual shall have a household income equal to or less than 500 percent of the federal poverty level. Information needed to determine household income using modified adjusted gross income methodology shall be identified on the program application. Household size will be determined according to the standards in this chapter. The information shall be provided at the time of application.

22.2(6) The department will provide to the parent or guardian a written notice of decision determining initial eligibility or denial within 30 calendar days of receipt of the application.

22.2(7) The department will refer an applicant determined to be an eligible individual to care coordination services. The referral will occur within five business days of determination of eligibility for the program. Care coordination services will be provided by RAP. Care coordination is not required as a condition of receiving services through the autism support program.

22.2(8) The department will provide information to an applicant determined to be an eligible individual regarding all available administrators. The eligible individual may choose any available administrator.

22.2(9) The administrator shall maintain a list of individuals determined eligible for the program but unable to access services due to lack of available providers and shall work to connect eligible individuals on the list to network providers.

22.2(10) The department will stop processing applications at the point where available funds are fully obligated for eligible individuals and additional eligible individuals would cause expenditures in excess of the funds available to the program. The department will maintain a waiting list of individuals denied access to the program due to lack of available funds. If additional funds become available, the department will contact individuals on the list in order of the earliest date and time of the receipt of the original application. The applicant will be allowed 30 calendar days to submit an updated application and any required information needed to determine eligibility. If the applicant does not submit required information, the applicant will be denied eligibility and removed from the waiting list maintained for individuals denied access to the program due to lack of funding. The age of the applicant at the time of the most recent application will be used when determining eligibility for the program.

441—22.3(225D) Cost-sharing requirements and graduated schedule of cost sharing.

22.3(1) An individual with a household income equal to or greater than 200 percent of the federal poverty level, up to a maximum of 500 percent of the federal poverty level, will be subject to cost-sharing requirements. Cost sharing will be implemented incrementally up to a maximum of 15 percent of the costs of the services provided through the program for an individual with a household income equal to 500 percent of the federal poverty level. The following is a chart of the cost-sharing requirements:

Family income as a % of FPL	% of cost sharing of service costs	Family income as a % of FPL	% of cost sharing of service costs
200–209%	0.5%	350–359%	8.0%
210–219%	1.0%	360–369%	8.5%
220–229%	1.5%	370–379%	9.0%
230–239%	2.0%	380–389%	9.5%
240–249%	2.5%	390–399%	10.0%
250–259%	3.0%	400–409%	10.5%
260–269%	3.5%	410–419%	11.0%
270–279%	4.0%	420–429%	11.5%
280–289%	4.5%	430–439%	12.0%
290–299%	5.0%	440–449%	12.5%
300–309%	5.5%	450–459%	13.0%
310–319%	6.0%	460–469%	13.5%
320–329%	6.5%	470–479%	14.0%
330–339%	7.0%	480–489%	14.5%
340–349%	7.5%	490–500%	15.0%

22.3(2) An individual may request an exemption from cost sharing due to financial hardship. To qualify for an exemption, an individual shall submit written documentation to the department

that the individual or the individual's family does not have the financial means to fulfill cost-sharing requirements.

22.3(3) Criteria to determine financial hardship include but are not limited to a change in income, change in employment of the parent or guardian, additional medical expenditures, other family members' health conditions, or other conditions that may affect the ability to fulfill cost-sharing requirements. The department will provide a written determination regarding eligibility for exemption from cost-sharing requirements. Eligibility for exemption from cost sharing expires at the end of the financial eligibility period.

441—22.4(225D) Review of financial eligibility, cost-sharing requirements, exemption from cost sharing, and disenrollment in the program.

22.4(1) An eligible individual's continued financial eligibility for the program, cost-sharing requirements, and exemption from cost sharing will be determined on an annual basis.

22.4(2) The administrator shall request needed information from the eligible individual's parent or guardian for redetermination of financial eligibility, cost-sharing requirements, and exemption from cost sharing at least 30 days prior to the expiration of the eligible individual's eligibility period. The notice requesting information needed for renewal of eligibility shall include the ending date of eligibility for services.

22.4(3) The department will provide a written notice of decision determining ongoing eligibility or denial within 15 calendar days of receipt of the continued financial eligibility documentation.

22.4(4) If the signed application and verification of continuing eligibility are not received by the department by the last working day of the renewal month, the individual's eligibility for the program will be terminated.

22.4(5) Reasons for disenrollment in the autism support program include:

a. Death of the eligible individual.

b. The family no longer meets one or more of the eligibility criteria outlined in rule 441—22.2(225D).

c. The parent or legal guardian has failed to provide information required for redetermination of eligibility.

d. The eligible individual has failed to access authorized services for a period of three consecutive months and has not made arrangements with the autism service provider or administrator to access authorized services.

e. No funds are appropriated for the autism support program.

441—22.5(225D) Initial-service authorization and renewal-of-service authorization.

22.5(1) All services reimbursed through the program shall be prior-authorized by the administrator.

22.5(2) An autism service provider shall submit an initial treatment plan to the administrator specifying a plan of treatment for a period of no more than six months. The initial treatment plan shall specify the amount of units of applied behavior analysis services requested for the eligible individual and include a baseline standardized assessment score.

22.5(3) Family engagement and participation are required for participation in the autism support program. Treatment plans shall identify specific activities and responsibilities of parents or guardians in the treatment plan.

22.5(4) The treatment plan shall reflect the autism service provider's engagement with the school in which the eligible individual is enrolled. Treatment plans shall identify specific actions taken by the autism service provider to engage the eligible individual's school and the results of such actions.

22.5(5) The treatment plan may include services provided by staff with a minimum of a bachelor's degree, or a registered behavior technician, both of whom provide treatment under the supervision of a behavior analyst or assistant behavior analyst licensed pursuant to Iowa Code chapter 154D.

22.5(6) For renewal or modification of service authorizations, the autism service provider shall submit an updated plan of treatment with a request for the number of units of applied behavior analysis the provider believes is medically necessary to address the eligible individual's ongoing

treatment needs. The autism service provider shall also provide evidence of the eligible individual's progress on identified treatment goals. The administrator shall consider the eligible individual's updated standardized assessment score along with other clinical information when reviewing requests for renewal or modification of service authorizations. Ongoing service authorization requests shall not exceed six months in duration.

22.5(7) The administrator shall provide approval, request for modification, or denial within ten business days of receipt of all service authorization requests.

441—22.6(225D) Provider network. The administrator shall establish and maintain a network of department-approved autism service providers so that applied behavior analysis services are available to eligible individuals statewide to the maximum extent possible.

22.6(1) A provider shall be approved to participate in the autism support program provider network if the provider meets one of the following standards and is approved to provide applied behavior analysis services through Medicaid:

a. The autism service provider is a behavior analyst licensed under Iowa Code chapter 154D; or

b. The autism service provider is a psychologist licensed under Iowa Code chapter 154B; or

c. The autism service provider is a psychiatrist licensed under Iowa Code chapter 148.

22.6(2) The administrator's provider network shall accept the rate established by the department through the department's contract with the administrator as payment in full for the services rendered and will not charge eligible individuals any additional fees for services rendered, except for those eligible individuals who are required to pay a portion of the cost of services due to cost-sharing requirements.

22.6(3) The department is responsible for calculating the cost-sharing amount according to standards established in this chapter.

22.6(4) The autism service provider is responsible for collecting the cost-sharing amount from the eligible individual and will only be reimbursed by the administrator for the balance of the service fee minus the amount of cost sharing.

441—22.7(225D) Financial management of the program.

22.7(1) The department will:

a. Not take new applications for the program that would cause expenditures of the program to exceed the budgeted amount.

b. Limit expenditure of program funds to services for those individuals determined to be eligible individuals and for related administrative costs.

c. Allocate available funds for eligible individuals' services in a manner that allows for funding for all eligible individuals' services authorized by the administrator without exceeding the department's funding limits.

22.7(2) The administrator shall:

a. Limit annual expenditures for each eligible individual to the amount identified in Iowa Code section 225D.2(2)*"a."*

b. Limit length of service through the program to the amount identified in Iowa Code section 225D.2(2)*"b."*

c. Limit payment for applied behavior analysis services to an hourly or equivalent quarter-hour unit rate that is equal to the contracted rate currently paid by Medicaid for applied behavior analysis services.

d. Not provide financial compensation to RAP for care coordination services.

441—22.8(225D) Appeal. Notice of adverse action shall be given in accordance with 441—Chapter 16. The right to appeal shall be given in accordance with 441—Chapter 2506.

These rules are intended to implement Iowa Code chapter 225D.

[Filed 4/22/26, effective 7/1/26]
[Published 5/13/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0261D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to adolescent pregnancy prevention and services to pregnant and parenting adolescents programs

The Department of Health and Human Services hereby rescinds Chapter 163, "Adolescent Pregnancy Prevention and Services to Pregnant and Parenting Adolescents Programs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Executive Order 10.

Purpose and Summary

The purpose of this rulemaking is to rescind a chapter for which there is no rulemaking authority. The programs outlined in the chapter will continue to exist.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 18, 2026, as **ARC 0127D**. Public hearings were held on the following date:

- April 7, 2026

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 April 22, 2026.

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 July 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **441—Chapter 163**.

[Filed 4/22/26, effective 7/1/26]
[Published 5/13/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0262D

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to title guaranty division

The Iowa Finance Authority hereby rescinds Chapter 9, "Title Guaranty Division," Iowa Administrative Code, and adopts a new Chapter 9 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 16.5 and 16.91.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.2A, 16.4C, 16.5, 16.90 through 16.94, 17A.10 and 535.8.

Purpose and Summary

The Authority is rescinding Chapter 9 and adopting a new chapter in lieu thereof. The chapter describes the structure, policies, and procedures of the Iowa Title Guaranty Division (Division) of the Authority. The updated chapter reflects changes to the Division's structure in 2025 Iowa Acts, House File 975.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 4, 2026, as **ARC 0039D**.

No public hearing was held. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on April 1, 2026.

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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
TITLE GUARANTY DIVISION

265—9.1(16) Definitions. The following words and phrases, when used in this chapter, shall have the meanings set forth below unless a meaning is inconsistent with the manifest intent or the context of a particular rule:

"Abstract" means a written or electronic summary of all matters of record affecting title to a specific parcel of real estate prepared in accordance with abstract minimum standards adopted by the division; provided, however, that for nonpurchase transactions, "abstract" may also mean a written or electronic short-form summary setting forth the titleholders, liens, and encumbrances in accordance with guidelines adopted by the division.

"Abstractor" means a person who is engaged in the practice of searching public records for the purpose of creating abstracts.

"Authority" means the Iowa finance authority established by Iowa Code chapter 16.

"Authority board" means the board of directors of the authority created pursuant to Iowa Code section 16.2.

"Certificate" means the form used to guarantee title, including any part or schedule thereof and any endorsements thereto.

"Claim" means loss or damage or potential loss or damage arising by reason of a matter actually, possibly, or allegedly within the coverage of a commitment, certificate, closing protection letter, mortgage release certificate, or by reason of any other matter for which the division is actually, possibly, or allegedly liable.

"Claim loss" means amounts paid by the division in the investigation and resolution of a claim, including but not limited to payments to the guaranteed, payments to adverse claimants, attorneys' fees, and all other expenses and costs related to or arising from the claim.

"Closing protection letter" means the division's written agreement to indemnify a lender or borrower or both for loss caused by a participating closer's theft of settlement funds or failure to comply with written closing instructions relating to title certificate coverage when agreed to by the participating closer.

"Commitment" means the division's written offer to issue a certificate and any endorsements thereto.

"Division" means Iowa title guaranty, a division of the authority.

"Field issuer" means a participant authorized by the division to issue commitments and certificates.

"Mortgage release certificate" means a certificate of release or a certificate of partial release issued by the division pursuant to Iowa Code section 16.92.

"Participant" means a participating attorney, a participating abstractor, or a participating closer.

"Participating abstractor" means an abstractor who is authorized by the division to prepare abstracts for division purposes.

"Participating attorney" means an attorney licensed to practice law in the state of Iowa who is authorized by the division to prepare title opinions for division purposes.

"Participating closer" means any of the following authorized by the division to issue a closing protection letter: an Iowa licensed attorney disbursing funds through an interest on a lawyer trust account, a closing agent licensed by the Iowa division of banking, or a real estate broker licensed by the Iowa real estate commission disbursing funds through a real estate trust account.

"Party" means a participant, or any other person, who has a contractual relationship with the division to provide services for which a claim may be brought against the division.

"Person" means an individual or legal entity, including a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other legal entity.

265—9.2(16) Mission. The mission of the division is to operate a program that offers guaranties of real property titles in order to provide, as an adjunct to the abstract-attorney's title opinion system, a low-cost mechanism to facilitate mortgage lenders' participation in the secondary market and add to the integrity of the land-title transfer system in the state of Iowa and to perform other duties as assigned by Iowa law.

265—9.3(16) Organization. The office of the division is located at the address set forth in rule 265—1.3(16). Office hours are 8 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The division's website address is www.iowatitleguaranty.com, and the division's telephone number is 515.452.0484. The division's email address is titleguaranty@iowafinance.com. Inquiries, submissions, applications and other requests for information may be directed to the division by the methods set forth herein.

265—9.4(16) Operation. The division offers guaranties of real property titles in the state through the issuance of commitments and certificates.

9.4(1) *Commitments, certificates, forms and manuals.* The terms, conditions, and form of commitments and certificates shall be approved by the authority board. The division may adopt and use manuals and other forms as the division deems necessary for implementation and administration of the title guaranty program.

a. The division will provide forms to a participant for use in issuing commitments and certificates on behalf of the division. A participant may not alter any form supplied by the division or use a form supplied by another person to bind the division. In addition, the participant shall not transfer or attempt to transfer unissued commitments or certificates to another participant or other person unless authorized in writing by the division.

b. In addition to the division's other rights and remedies, the division may refuse to allow the participant access to any forms until the participant complies with the requirements of this chapter to the satisfaction of the division.

c. A participant shall be liable to the division for loss or damage sustained by the division by reason of the failure of the participant to comply with the requirements of this rule.

9.4(2) *Application for commitments and certificates.* The division will make an application for commitments and certificates available on the division's website.

9.4(3) *Rates.* Rates for commitments, certificates and closing protection letters shall be set pursuant to Iowa Code section 16.91(1). In transactions involving extraordinary risk or unusual or unique endorsements, the division may assess additional charges.

265—9.5(16) Participants.

9.5(1) *General provisions.* An applicant shall submit a participant application and the first year's annual fee and shall sign a participation agreement in order to be authorized to provide one or more services on behalf of the division.

9.5(2) *Participant application.* Applications for participation and renewal are available on the division's website. An applicant shall submit an application to provide one or more services on behalf of the division. If the applicant is approved as a participant, the participant is required to submit a renewal application annually.

9.5(3) *Eligibility considerations.* To determine whether to approve or deny a participant application, factors the division may consider include but are not limited to the following:

a. The needs of the public and the needs of existing or potential customers of the applicant.

b. A history of the operation and management of the applicant's business.

c. The character, fitness, financial responsibility and experience of the applicant and the applicant's employees.

d. A credit report or criminal background check of the applicant or the applicant's employees.

e. A record of default in the payment of moneys collected for others by the applicant or the applicant's employees.

f. A history of discharge of debts by the applicant or the applicant's employees through bankruptcy proceedings.

g. Compliance with the title and settlement best practices adopted by the division.

h. Other factors as determined by the division.

9.5(4) *Participation agreement.* The participation agreement sets forth the contractual relationship between the participant and the division. A new participation agreement is executed annually and when otherwise required by the division.

9.5(5) *Annual fee.* A participant may be required to pay an annual fee of $75, set pursuant to Iowa Code section 16.91(4).

9.5(6) *Agent relationship.* A participant is only authorized to act as an agent of the division for the purposes and in the manner set forth in the participant's participation agreement, the Iowa Code, these rules, manuals and any other written instructions given by the division. The authority of a participant to act as an agent of the division is not exclusive and is subject to the rights of the authority, the division, and other participants, agents, or representatives of the division.

9.5(7) *Conflict of interest.* A participant shall not, without prior authorization of the division, prepare an abstract or issue a title opinion, commitment, certificate, or closing protection letter for a transaction in which the participant has a personal or financial interest in the real estate that is the subject of that transaction.

9.5(8) *Clearance of title objections.* All title objections must be cleared in accordance with applicable division manuals and any other written instructions given by the division prior to the issuance of a certificate. Any underwriting determination about which there may be a bona fide difference of opinion among attorneys, which is not specifically addressed by division manuals or instructions, shall be approved by the division in writing.

9.5(9) *Commitment and certificate coverage limitations.* A field issuer shall obtain written authorization from the division prior to issuing a commitment or certificate that exceeds the allowable maximum amount of coverage as determined by the division. If authorization under this subrule is not obtained through the act or omission of the field issuer, the field issuer shall be strictly liable to the division for any loss or damage resulting from issuance of the commitment, closing protection letter, or certificate.

9.5(10) *Document retention.* A participant shall maintain transaction files in such a manner that information pertaining to activities of the participant is readily available to the division while protecting confidential client information. A participant shall retain files for a period of ten years after the issued date of the certificate or the issued date of the commitment if a certificate is not issued.

9.5(11) *Training.* The division may require a participant and the participant's staff to participate in training sessions or continuing education seminars as deemed necessary by the division to ensure compliance with division requirements and procedures.

9.5(12) *Compliance.* Participants shall comply with the Iowa Code, these rules, the participation agreement, manuals, and any other written instructions given by the division. The division may audit the participant, with or without notice, for verification of compliance. An audit may include but not be limited to a review of the participant's abstracts, title opinions, commitment and certificate issuance procedures, a test of title plants and tract indices, and a review of closing policies and procedures and escrow account details.

9.5(13) *Revocation.* The division may revoke a participant's authorization to provide services on behalf of the division for reasons, including but not limited to the following:

a. Failure to comply with the terms and conditions of the participation agreement.

b. Failure to submit an annual renewal application.

c. Knowingly withholding or misrepresenting material facts relied upon by the division.

d. Fraud, theft, dishonesty, or misappropriation of funds or documents.

e. Deterioration of the participant's financial condition adversely affecting the participant's ability to provide services on behalf of the division.

f. A finding by the division director of material noncompliance with the Iowa Code, these rules, manuals, and any other written instructions given by the division.

g. Other factors as determined by the division.

265—9.6(16) Services offered.

9.6(1) *Abstracting.* Abstracts utilized for division purposes must be prepared by a participating abstractor.

a. Title plant. A participating abstractor shall own and maintain, or lease and use, a title plant, including tract indices for each county in which that participating abstractor prepares abstracts for division purposes, unless exempt under Iowa Code section 16.91(5)*"a"*(2) and paragraph 9.6(1)*"c"* or authorized under Iowa Code section 16.91(5)*"b"* and paragraph 9.6(1)*"d."* Each of the tract indices shall be designated to encompass a geographical area of not more than one block in the case of platted real estate, nor more than one section in the case of unplatted real estate. The tract indices shall include a reference to all of the instruments affecting real estate recorded in the office of the county recorder, and the tract indices shall commence not less than 40 years prior to the effective date of the abstractor's participation in the title guaranty program. A government-maintained and -controlled database is not considered a title plant for division purposes.

b. Intent to build title plant. The division may authorize an abstractor who is building or who intends to build a title plant to prepare abstracts for division purposes upon review of the following:

(1) The abstractor's business plan;

(2) Evidence that a title plant will be built for a specific county or counties within three years of authorization;

(3) A timeline for completion of the title plant; and

(4) A description of the applicant's abstracting experience.

c. Exemption. The exemption available pursuant to Iowa Code section 16.91(5)*"a"*(2) is unique to the participating attorney, is nontransferable, and terminates at such time as the participating attorney ceases providing abstracts for division purposes or upon the death or incapacity of the participating attorney.

d. Title plant waivers. The division recognizes the 40-year title plant as the preferred method of providing title evidence for the purpose of issuing commitments and certificates. The division must weigh the benefits of the traditional title plant with other alternatives to ensure buyers and lenders a high quality of certificates throughout the state, rapid service, and a competitive price.

(1) General provisions. The division shall consider an application for a title plant waiver upon submission by an attorney or an abstractor.

(2) Submission of application. The division shall accept applications in the same manner as provided in subrule 9.5(2).

(3) Content of application. The applicant must provide, at a minimum, the following information:

1. The name, business address, email address, and telephone number of the applicant;

2. The applicant's business plan;
3. The county or counties in which the applicant intends to abstract;
4. A description of the applicant's abstracting experience;
5. Samples of abstracts prepared by the applicant;
6. A history of any professional disciplinary action against the applicant;
7. Professional references in support of the applicant;
8. The relevant facts that the applicant believes would justify a waiver under Iowa Code section 16.91(5)*"b"*; and
9. A signed statement from the applicant attesting to the accuracy of the facts provided in the application.

(4) Notification and response.

1. The division shall notify the applicant upon receipt of a complete application.
2. The Iowa State Bar Association and Iowa Land Title Association shall be provided notice of an application. Provision of the notice to the identified associations is not a requirement for the division to consider the application, and failure to inform an interested person of an application shall not void or otherwise nullify any action or decision of the division.

(5) Conditions. A waiver is unique to the recipient and is nontransferable. The division may limit a waiver as to county, transaction type, duration, or any other limitation. The division may require a waiver recipient to provide a guarantee, performance bond, or other form of indemnification as assurance for abstracts prepared by the waiver recipient on behalf of the division. The division may review the waiver annually and may require a renewal, modification or addition to any required assurances. An applicant may only retain a waiver if the applicant continues to meet the requirements for a participant in rule 265—9.5(16). If the waiver recipient fails to meet the terms of the recipient's participation agreement, the waiver may be withdrawn by the division.

(6) Withdrawal of a waiver. A waiver issued by the division may be withdrawn or modified if, after public notice and authority board meeting, the authority board issues a written ruling finding any of the following:

1. That the waiver recipient knowingly withheld or misrepresented material facts relied upon by the division in granting the waiver; or
2. That the waiver recipient failed to comply with all conditions contained in the written ruling; or
3. That the abstracts prepared by the waiver recipient fail to meet the abstract minimum standards adopted by the division; or
4. That the division has revoked the waiver recipient's authorization to provide services on behalf of the division pursuant to subrule 9.5(13).

(7) The decision of the authority board shall be final agency action, and all appeals shall be filed with the Iowa district court for Polk County.

9.6(2) *Issuing title opinions.*

a. All title opinions shall be prepared by participating attorneys and issued in compliance with division procedures as specified in manuals and any other written instructions given by the division.

b. A participating attorney who is a field issuer may issue a commitment as the preliminary title opinion and the certificate as the final title opinion.

c. A participating attorney shall be licensed to practice law in the state of Iowa and shall be in good standing with the Iowa supreme court at all times while acting as an agent of the division.

9.6(3) *Issuing commitments and certificates.* Pursuant to a participation agreement with the division, a participant may be authorized to issue a commitment or certificate on behalf of the division. A participant's right to issue commitments and certificates is a privilege for the convenience of the division and may be terminated pursuant to terms of the participation agreement.

9.6(4) *Issuing closing protection letters.*

a. Pursuant to a participation agreement with the division, a participant may be authorized to issue a closing protection letter on behalf of the division.

b. The division may require the participating closer to provide an irrevocable letter of direction to the institution at which each escrow account is established, authorizing the division to review and audit the institution's records of such account at any time that the division, in its discretion, deems necessary.

265—9.7(16) Claims.

9.7(1) *Claim procedures.* In the event of a claim, the rights of the division and a party are as follows:

a. Upon receipt of notice by a party of a claim, the party must notify the division in writing within three business days of receipt of information about a claim by the party and shall mail notification to the division by first-class mail at the division's address as set forth in rule 265—1.3(16) or provide notification by email.

b. When a party receives a request from the division for information with respect to a claim, the party shall supply to the division any documents, correspondence, surveys, abstracts of title, title searches, title opinions, other writings, or other information known by or available to the party and relevant to the claim, even if not specifically requested by the division.

c. A party shall cooperate fully in the investigation and resolution of a claim and shall supply any additional, new information that may come to the party's attention with such promptness as the circumstances permit.

d. The division may, with or without prior notice to the party or parties involved, investigate and resolve any claim in any manner that, in the division's sole discretion, the division may deem advisable.

9.7(2) *Claim loss recovery.*

a. Any claim losses paid are recoverable from a party by the division.

b. In the absence of knowledge by the party about the title defect or other matter causing the claim loss, the division shall not seek recovery from the party when a claim loss arises from one or more of the following:

(1) Hidden defects, including but not limited to forged deeds and mortgages, false affidavits, and false statements of marital status;

(2) Errors by public officials in maintaining and indexing the public records, including but not limited to errors by county assessors, recorders, clerks, and treasurers;

(3) Errors in these rules, manuals, and any other written instructions given by the division that the party relies upon in issuing an abstract, a title opinion, a commitment, a closing protection letter or a certificate;

(4) Errors in surveys provided by registered Iowa land surveyors that the party relies upon in issuing a certificate that provides survey coverage; or

(5) Underwriting determinations or title risks approved by the division prior to issuance of the abstract, title opinion, commitment, closing protection letter, or certificate.

c. The party shall reimburse the division for a claim loss when the division determines, in accordance with paragraph 9.7(2)*"d,"* that the party is liable and when the claim loss arises from one or more of the following:

(1) Errors by the party in the preparation of an abstract or any other report of information in the public record;

(2) Reliance by the party upon sources of title searches and other title information that had not been approved by the division at the time of the reliance;

(3) Errors made by the party in examining the title information provided in an abstract, a survey, an affidavit, or another source of title information;

(4) Errors made by the party in the preparation or review of an abstract, a title opinion, a commitment, a closing protection letter, or a certificate;

(5) Issuance of an abstract, a title opinion, a commitment, a closing protection letter or a certificate by the party with knowledge that title is defective; or

(6) Failure of the party to follow the Iowa Code, these rules, manuals, or any other written instructions given by the division.

d. Unless another rule, the Iowa Code, manuals, or any other written instruction given by the division provides for a different standard of liability or other rule for determining whether the party shall be liable for a claim loss, the division shall apply the following standards:

(1) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)*"c"*(1), the division may demand reimbursement from the party if the party was grossly negligent in preparing the abstract. Gross negligence includes the failure to make a search or the use of inadequate search procedures. Gross negligence under the preceding sentence includes but is not limited to failure to search certain indices, failure to search all names of parties with an interest in the real estate, or failure to search in all public offices required by the division search procedures or procedures used by prudent title searchers if the division has not established specific search procedures. In making its determination whether to seek recovery, the division may consider the complexity of the public record, the reliance of the party upon division-approved search procedures, the training and experience of the person who made the error, and the existence or nonexistence of previous search errors by the party.

(2) In the event that a claim loss occurs for which the division may seek recovery from a party under subparagraph 9.7(2)*"c"*(2), the division may demand reimbursement from that party if the party relied upon sources of abstracts or other title information that had not been approved by the division at the time of the reliance.

(3) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)*"c"*(3), the division may demand reimbursement from the party if the party negligently examined the title information used in making a title determination, failed to raise an appropriate exception, waived an exception, or endorsed a commitment or certificate.

1. The division may make full review of local county abstracting standards and title standards as a guide to determine whether the party has failed to meet the standard of skill and competence of an abstractor who prepares an abstract or an attorney who examines titles in the community where the claim arose.

2. The division may also consider whether the party followed the Iowa Code, these rules, manuals, or any other written instructions given by the division in examining the title.

3. In addition, the division may seek input from other parties in the community in which the claim arose as to the standard of care of an abstractor who prepares an abstract or of an attorney who examines titles in that community.

(4) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)*"c"*(4), the division may demand reimbursement from the party if the party negligently prepared or reviewed an abstract, a title opinion, a commitment, a closing protection letter, or a certificate.

(5) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)*"c"*(5), the division may demand reimbursement from the party if the issuance of the abstract, title opinion, commitment, closing protection letter, or certificate constituted fraud, concealment or dishonesty, or if the issuance of the abstract, title opinion, commitment, closing protection letter or certificate was based upon an underwriting decision on an unusual risk that was made without contacting the division for approval.

(6) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)*"c"*(6), the division may demand reimbursement from the party if the party failed to follow the Iowa Code, these rules, manuals, or any other written instructions given by the division with respect to the matter causing the claim loss.

(7) In the event the division seeks reimbursement from a party, the division shall state the basis of the reimbursement.

265—9.8(16) Mortgage release certificate. Pursuant to Iowa Code section 16.92, the division is charged with the administration of a program to release, after proper notification, paid-off mortgages from real estate titles in Iowa by executing and filing with the county recorder a mortgage release certificate.

9.8(1) *Application.* The division will provide a mortgage release application on the division's website.

9.8(2) *Application fee.* An applicant may be required to pay a fee of $200 to apply for a mortgage release certificate. The fee shall be set by the division.

9.8(3) *Maximum principal amount of mortgage.* The authority board may set a maximum principal amount for mortgages that may be released by a mortgage release certificate.

9.8(4) *Authority to sign certificate.* A mortgage release certificate shall be executed by the division director or designee of the division director.

265—9.9(16) Rules of construction. In this chapter, the following rules of construction shall be observed:

1. The word "shall" means mandatory and not permissive and the word "may" means permissive and not mandatory.
2. Nothing contained in this chapter shall be construed to require a participating attorney to disclose privileged information of a client to the division or to any other person.
3. Any rule that provides a specific remedy or sanction for violation of the rule shall not be construed as limiting the ability of the division to pursue and enforce other remedies or sanctions under this chapter, or otherwise against a participant or other person responsible or liable, either separately, concurrently, cumulatively, or in any combination, at the sole discretion of the division.
4. The failure of the division to enforce a right or remedy under this chapter, a statute, or common law shall not be construed as a waiver of such right or remedy either in the specific instance or in any other instance.

These rules are intended to implement Iowa Code sections 16.2A, 16.4C, 16.5, 16.90 through 16.93, 17A.10 and 535.8.

[Filed 4/22/26, effective 6/17/26]
[Published 5/13/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0263D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to licenses

The Natural Resource Commission (Commission) hereby amends Chapter 15, "General License Regulations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 483A.1.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 483A.1.

Purpose and Summary

Chapter 15 governs hunting, fishing, and trapping license sales, fees, and general administration and a framework for license revocation and suspension. This rulemaking increases hunting, fishing, and trapping resident and nonresident license fees by 5 percent, consistent with the statutory cap. These fees are only paid by persons who choose to participate in these recreational activities. License fees are deposited into the State Fish and Game Protection Fund (commonly known as the Fish and Wildlife Trust Fund), which also receives certain federal funds generated by excise taxes on outdoor sporting

equipment. The Trust Fund is dedicated to Iowa's natural resources by and protected by the Iowa Constitution. The Department of Natural Resources (Department) is charged by law to use Trust Fund dollars to fund its natural resource protection, management, research, and enhancement activities.

While funded by a specific user group, the Trust Fund pays significant dividends to all Iowans. The Department's three Trust Fund-managing bureaus (Wildlife, Fisheries, and Law Enforcement) ensure the health and abundance of Iowa's natural resources, which underpins substantial economic activity. Simply put, the fees paid by sportsmen and sportswomen support the conservation infrastructure that benefits the State's economy, the environment, and Iowans' quality of life.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0103D**. A public hearing was held on the following date(s):

- March 24, 2026

No one attended the public hearing. However, 126 comments were received. Seventy-one percent (90) of the comments supported a license fee increase while 29 percent (36) were opposed.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 9, 2026.

Fiscal Impact

This rulemaking will generate revenue for the Trust Fund. Revenue is constrained by the Iowa Code to a 5 percent increase. This is a modest increase per license; for example, current resident fishing licenses will change from $20 to $21. However, every cent is important: license fees are a vital source of revenue for the Department's active promotion, management, research, and protection of Iowa's natural resources.

Jobs Impact

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

Waivers

This rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 December 15, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 571—15.10(483A) as follows:

571—15.10(483A) Licenses—fees. Except as otherwise provided by law, a person shall not fish, trap, hunt, harvest, pursue, catch, kill, take in any manner, use, have possession of, sell, or transport all or a part of any wild animal, bird, game, turtle, or fish, the protection and regulation of which is desirable for

the conservation of resources of the state, without first obtaining a license for that purpose and paying a fee as follows:

15.10(1) *Residents.*

a. Fishing license, annual — ~~$20~~ $21.

b. Fishing license, three-year — ~~$60~~ $63.

c. Fishing license, seven-day — ~~$13.50~~ $14.

d. Fishing license, one-day — ~~$8.50~~ $8.75.

e. Third-line fishing permit, annual — ~~$12~~ $12.50.

f. Fishing license, lifetime, 65 years of age or older — ~~$59.50~~ $62.

g. Fishing license, lifetime, disabled veteran or POW — $5.

h. Paddlefish fishing license, annual — ~~$23.50~~ $24.50.

i. Trout fishing fee — ~~$12.50~~ $13.

j. Boundary waters sport trotline license, annual — ~~$24~~ $25.

k. Hunting license, annual — ~~$20~~ $21.

l. Hunting license, annual, including the wildlife habitat fee — ~~$33~~ $34.50.

m. Hunting license, three-year, including the wildlife habitat fee — ~~$99~~ $103.75.

n. Hunting license, lifetime, 65 years of age or older — ~~$59.50~~ $62.

o. Combination hunting and fishing license, annual, including the wildlife habitat fee — ~~$53~~ $55.50.

p. Combination hunting and fishing license, lifetime, disabled veteran or POW — $5.

q. Deer hunting license — ~~$30~~ $31.50.

r. First antlerless deer license — ~~$25.50~~ $26.75.

s. Additional antlerless deer license — ~~$12~~ $12.50.

t. Wildlife habitat fee — ~~$13~~ $13.50.

u. Migratory game bird fee — ~~$10~~ $10.50.

v. Wild turkey hunting license — ~~$26.50~~ $27.75.

w. Fur harvester license, annual — ~~$24~~ $25.

x. Fur harvester license, annual, including the wildlife habitat fee — ~~$37~~ $38.75.

y. Fur harvester license, annual, under 16 years of age — ~~$5.50~~ $5.75.

z. Fur harvester license, lifetime, 65 years of age or older — ~~$59.50~~ $62.

aa. Fur dealer license, annual — ~~$264~~ $277.

bb. Aquaculture unit license, annual — ~~$30~~ $31.50.

cc. Retail bait dealer license, annual — ~~$36~~ $37.75.

dd. Wholesale bait dealer license, annual — ~~$146.50~~ $153.75.

ee. Game breeder license, annual — ~~$18~~ $18.75.

ff. Taxidermy license, annual — ~~$18~~ $18.75.

gg. Trout fishing license, lifetime, 65 years of age or older — ~~$63~~ $66.

hh. Trout fishing license, lifetime, disabled veteran — ~~$63~~ $66.

ii. Fishing license, annual, veteran — $5.

jj. Combination hunting and fishing license, annual, veteran — $5.

15.10(2) *Nonresidents.*

a. Fishing license, annual — ~~$46~~ $48.

b. Fishing license, seven-day — ~~$35.50~~ $37.

c. Fishing license, three-day — ~~$18.50~~ $19.

d. Fishing license, one-day — ~~$10~~ $10.50.

e. Third-line fishing permit, annual — ~~$12~~ $12.50.

f. Paddlefish fishing license, annual — ~~$47~~ $49.

g. Trout fishing fee — ~~$15.50~~ $16.

h. Boundary waters sport trotline license, annual — ~~$47.50~~ $49.75.

i. Hunting license, annual — ~~$129~~ $135.

j. Hunting license, annual, including the wildlife habitat fee — ~~$142~~ $149.

k. Hunting license, annual, under 18 years of age — ~~$30~~ $31.50.

l. Hunting license, annual, under 18 years of age, including the wildlife habitat fee — ~~$43~~ $45.

m. Hunting license, five-day (not applicable to deer or wild turkey seasons) — ~~$75~~ $78.50.

n. Hunting license, five-day, including the wildlife habitat fee (not applicable to deer or wild turkey seasons) — ~~$88~~ $92.

o. Deer hunting license, antlered or any-sex deer — ~~$345.50~~ $362.75.

p. Deer hunting license, antlerless-deer-only, required with the purchase of an antlered or any-sex deer hunting license — ~~$146.50~~ $153.75.

q. Deer hunting license, antlerless-deer-only — ~~$263.50~~ $276.50.

r. Preference point issued under Iowa Code section 483A.7(3)*"b"* or 483A.8(3)*"e"* — ~~$58.50~~ $61.

s. Holiday deer hunting license issued under Iowa Code section 483A.8(6), antlerless-deer-only — ~~$88~~ $92.

t. Wildlife habitat fee — ~~$13~~ $13.50.

u. Migratory game bird fee — ~~$10~~ $10.50.

v. Wild turkey hunting license, annual — ~~$117~~ $122.75.

w. Fur harvester license, annual — ~~$232~~ $243.50.

x. Fur harvester license, annual, including the wildlife habitat fee — ~~$245~~ $257.

y. Fur dealer license, annual — ~~$586.50~~ $615.75.

z. Fur dealer license, one-day, one location — ~~$292.50~~ $307.

aa. Location permit for fur dealer — ~~$66~~ $69.

bb. Aquaculture unit license, annual — ~~$66~~ $69.

cc. Retail bait dealer license, annual — ~~$146.50~~ $153.75.

dd. Wholesale bait dealer license, annual — ~~$292.50~~ $307.

ee. Game breeder license, annual — ~~$30.50~~ $32.

ff. Taxidermy license, annual — ~~$30.50~~ $32.

[Filed 4/17/26, effective 12/15/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0264D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to fur harvester licenses

The Natural Resource Commission (Commission) hereby amends Chapter 15, "General License Regulations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 483A.1.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 483A.1 and 2025 Iowa Acts, Senate File 253.

Purpose and Summary

Chapter 15 governs hunting, fishing, and trapping license sales, fees, and general administration and a framework for license revocation and suspension. This rulemaking is adopted to implement 2025 Iowa Acts, Senate File 253, which created a new lifetime fur harvester permit for disabled veterans.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9891C**. A public hearing was held on the following date(s):

- January 28, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Reletter paragraphs **15.10(1)"aa"** to **15.10(1)"jj"** as **15.10(1)"bb"** to **15.10(1)"kk"**.

ITEM 2. Adopt the following **new** paragraph **15.10(1)"aa"**:

aa. Fur harvester license, lifetime, disabled veteran — $59.50.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0265D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to docks

The Natural Resource Commission (Commission) hereby amends Chapter 16, "Docks and Other Structures on Public Waters," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 461A.4 and 462A.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 461A.4 and 461A.18 and 2025 Iowa Acts, House File 710.

Purpose and Summary

Chapter 16 regulates docks on water bodies open to the public for boating and other recreational activities. It includes a permitting system and rules that seek to balance the needs of dock owners with those of the general public and to reduce conflicts between neighboring dock owners. Among these rules are limitations on enclosing docks and hoists with sides and roofs as well as restrictions on what materials may be used for such purposes. 2025 Iowa Acts, House File 710, created a new Iowa Code section that allows for a person with a Class I or III dock permit to construct a roof over a slip or hoist, subject to a number of requirements including material requirements, size limits, limits on what structures may be enclosed, a prohibition on habitation, and an insurance requirement. These new provisions of the Iowa Code supersede existing Chapter 16 provisions. As such, this rulemaking is necessary in order to bring the relevant Chapter 16 provisions into harmony with the Iowa Code.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9889C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 3, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 16.3(7) as follows:

16.3(7) ~~*No enclosure*~~ *Enclosure of* ~~*private*~~ *docks.* ~~Private docks and docks in dock management areas shall not be enclosed by roofs or sides. Hoists may be enclosed by roofs and sides constructed of soft-sided natural fiber or synthetic fiber materials for the purpose of protecting watercraft.~~

a. Class I and Class III docks. Hoists may be enclosed by roofs and sides constructed of soft-sided natural fiber or synthetic fiber materials for the purpose of protecting watercraft, or by a roof constructed pursuant to Iowa Code section 462A.27B.

b. Class II, Class IV, and dock management area docks. Docks, hoists and slips shall not be enclosed unless authorized by the relevant dock or slip permit. Authorization may be restricted as needed to minimize adverse visual impact on owners of other property and the public or to ensure public safety, navigation, and access as appropriate.

ITEM 2. Rescind subrule **16.7(5)**.

ITEM 3. Renumber subrule **16.7(6)** as **16.7(5)**.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0266D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to unprotected nongame

The Natural Resource Commission (Commission) hereby rescinds Chapter 76, "Unprotected Nongame," Iowa Administrative Code, and adopts a new Chapter 76 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39 and 481A.42.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39 and 481A.42.

Purpose and Summary

Chapter 76 lists the nongame species allowed to be killed without a permit. Under Iowa Code section 481A.38, it is unlawful for any person to take, pursue, kill, trap, or conduct other listed activities against nongame animals except upon terms, conditions, limitations, and restrictions set forth in the Iowa Code or by administrative rule. The Commission has authority under Iowa Code section 481A.42 to designate species of nongame that shall not be protected due to their abundance or habits. This chapter was reviewed and edited consistent with 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 7, 2026, as **ARC 9900C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 2, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 76 and adopt the following **new** chapter in lieu thereof:

SEASONS, LIMITS, METHODS OF TAKE

TITLE VIII

CHAPTER 76

UNPROTECTED NONGAME

571—76.1(481A) Species. Certain species of nongame shall not be protected.

76.1(1) *Birds.* The European starling (*Sturnus vulgaris*) and the house sparrow (*Passer domesticus*) shall not be protected.

76.1(2) *Reptiles.*

a. Common garter snake (*Thamnophis sirtalis*).

b. Timber rattlesnake (*Crotalus horridus*) within 50 yards of houses actively occupied by humans.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.42.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0267D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to endangered and threatened species

The Natural Resource Commission (Commission) hereby rescinds Chapter 77, "Endangered and Threatened Plant and Animal Species," Iowa Administrative Code, and adopts a new Chapter 77 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 481B.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 481B and Executive Order 10.

Purpose and Summary

Chapter 77 implements Iowa Code chapter 481B. The chapter identifies plant and animal species that are protected due to being endangered or threatened in Iowa and provides for limited, regulated exceptions to those provisions.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9910C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

Three individuals attended the January 28 hearing, and two individuals attended the February 4 hearing. All individuals who attended these hearings provided oral comments.

Additionally, 46 written comments were received. All public comments focused on the same topic. The commenters unanimously object to the removal of the "special concern animal species" and "special concern plant species" categories and lists from Chapter 77.

The Commission has considered these comments and decided to proceed with removing these categories from Chapter 77. The reasons for this decision are as follows:

1. "Special concern" is not a category created or authorized by Iowa Code chapter 481B, unlike the categories of "endangered" and "threatened." Removing this language from the rules is consistent with the directives of Executive Order 10.
2. The "special concern" provisions have no legal effect. Listing a species as "special concern" provides no legal or regulatory protection for that species.
3. A "special concern" list will continue to be maintained on the Department of Natural Resources' (Department's) website and in the Iowa Wildlife Action Plan for purposes of public awareness and Department monitoring and research purposes.

Several minor changes from the Notice have been made. A typographical error in subrule 77.4(3) is corrected, changing "Iowa Code section 481A.6" to "Iowa Code section 481A.65." Additionally, nonsubstantive changes to the lists of common and scientific animal names are made to reflect recent changes in taxonomy, taxonomic order, and naming conventions and to correct one typographical error.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 77 and adopt the following **new** chapter in lieu thereof:

CHAPTER 77
ENDANGERED AND THREATENED PLANT AND ANIMAL SPECIES

571—77.1(481B) Definitions. As used in this rule:

"Endangered species" means any species of fish, plant life, or wildlife that is in danger of extinction throughout all or a significant part of its range.

"Threatened species" means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

571—77.2(481B) Endangered and threatened animals. The natural resource commission, in consultation with scientists with specialized knowledge and experience, has determined the following animal species to be endangered or threatened in Iowa:

77.2(1) Endangered animal species:

Common Name	**Scientific Name**
Mammals	
Southern Bog Lemming	*Synaptomys cooperi*
Northern Myotis	*Myotis septentrionalis*
Indiana Myotis	*Myotis sodalis*
Plains Spotted Skunk	*Spilogale interrupta*
Birds	
Piping Plover	*Charadrius melodus*
Fish	
Lake Sturgeon	*Acipenser fulvescens*

Pallid Sturgeon	*Scaphirhynchus albus*
Western Silvery Minnow	*Hybognathus argyritis*
Sturgeon Chub	*Macrhybopsis gelida*
Sicklefin Chub	*Macrhybopsis meeki*
Northern Pearl Dace	*Margariscus nachtriebi*
Pugnose Shiner	*Miniellus anogenus*
Blacknose Shiner	*Notropis heterolepis*
Ghost Shiner	*Paranotropis buchanani*
Starhead Topminnow	*Fundulus dispar*
Plains Topminnow	*Fundulus sciadicus*
Crystal Darter	*Crystallaria asprella*
Bluntnose Darter	*Etheostoma chlorosoma*
Least Darter	*Etheostoma microperca*
Reptiles	
Great Plains Skink	*Plestiodon obsoletus*
Western Hog-nosed Snake	*Heterodon nasicus*
Eastern Copperhead	*Agkistrodon contortrix*
Prairie Rattlesnake	*Crotalus viridis*
Eastern Massasauga	*Sistrurus catenatus*
Western Massasauga	*Sistrurus tergeminus*
Wood Turtle	*Glyptemis insculpta*
Yellow Mud Turtle	*Kinosternon flavescens*
Amphibians	
Blue-spotted Salamander	*Ambystoma laterale*
Bumble Bees	
Rusty Patched Bumble Bee	*Bombus affinis*
Butterflies	
Mottled Duskywing	*Gesta martialis*
Arogos Skipper	*Atrytone arogos*
Dusted Skipper	*Atrytonopsis hianna*
Dakota Skipper	*Hesperia dacotae*
Ottoe Skipper	*Hesperia ottoe*
Poweshiek Skipperling	*Oarisma poweshiek*
Mulberry Wing	*Poanes massasoit*
Damselflies and Dragonflies	
Prairie Bluet	*Coenagrion angulatum*
Land Snails	
Bluff Vertigo	*Vertigo meramecensis*
Iowa Pleistocene Snail	*Discus macclintocki*
Fresh Water Mussels	
Slippershell	*Alasmidonta viridis*
Spectaclecase	*Cumberlandia monodonta*
Purple Wartyback	*Cyclonaias tuberculata*

Spike	*Eurynia dilatata*
Sheepnose	*Plethobasus cyphyus*
Round Pigtoe	*Pleurobema sintoxia*
Salamander Mussel	*Simpsonaias ambigua*

77.2(2) Threatened animal species:

Common Name	**Scientific Name**
Mammals	
White-tailed Jackrabbit	*Lepus townsendii*
Plains Pocket Gopher	*Geomys bursarius*
Plains Pocket Mouse	*Perognathus flavescens*
North American Least Shrew	*Cryptotis parvus*
Little Brown Myotis	*Myotis lucifugus*
Tricolored Bat	*Perimyotis subflavus*
Birds	
Chuck-will's-widow	*Antrostomus carolinensis*
King Rail	*Rallus elegans*
Least Tern	*Sternula antillarum*
Black Tern	*Chlidonias niger*
Forster's Tern	*Sterna forsteri*
Long-eared Owl	*Asio otus*
Short-eared Owl	*Asio flammeus*
Fish	
Chestnut Lamprey	*Ichthyomyzon castaneus*
American Eel	*Anguilla rostrata*
Skipjack Herring	*Alosa chrysochloris*
Weed Shiner	*Alburnops texanus*
Redfin Shiner	*Lythrurus umbratilis*
Topeka Shiner	*Miniellus topeka*
Freckled Madtom	*Noturus nocturnus*
Pugnose Minnow	*Opsopoeodus emiliae*
Pirate Perch	*Aphredoderus sayanus*
Redfin Pickerel	*Esox americanus*
Trout-perch	*Percopsis omiscomaycus*
Banded Killifish	*Fundulus diaphanus*
Mottled Sculpin	*Cottus bairdii*
Western Sand Darter	*Ammocrypta clara*
Burbot	*Lota lota*
Reptiles	
Slender Glass Lizard	*Ophisaurus attenuatus*
Western Wormsnake	*Carphophis vermis*
Speckled Kingsnake	*Lampropeltis holbrooki*
Plain-bellied Watersnake	*Nerodia erythrogaster*
Diamond-backed Watersnake	*Nerodia rhombifer*
Gophersnake	*Pituophis catenifer*

Graham's Crayfish Snake	*Regina grahamii*
Blanding's Turtle	*Emydoidea blandingii*
Ornate Box Turtle	*Terrapene ornata*
Eastern Musk Turtle	*Sternotherus odoratus*
Amphibians	
Mudpuppy	*Necturus maculosus*
Eastern Newt	*Notophthalmus viridescens*
Butterflies	
Two-spotted Skipper	*Euphyes bimacula*
Crossline Skipper	*Limochores origenes*
Leonard's Skipper	*Hesperia leonardus*
Olympia Marble	*Euchloe olympia*
Regal Fritillary	*Argynnis idalia*
Baltimore Checkerspot	*Euphydryas phaeton*
Damselflies and Dragonflies	
Taiga Bluet	*Coenagrion resolutum*
Sioux Snaketail	*Ophiogomphus smithi*
Westfall's Snaketail	*Ophiogomphus westfalli*
Plains Emerald	*Somatochlora ensigera*
Land Snails	
Midwest Pleistocene Vertigo	*Vertigo arthuri*
Fresh Water Mussels	
Mucket	*Ortmanniana ligamentina*
Higgins' Eye Pearlymussel	*Lampsilis higginsi*
Yellow Sandshell	*Lampsilis teres*
Monkeyface	*Theliderma metanevra*
Pistolgrip	*Tritogonia verrucosa*
Ellipse	*Venustaconcha ellipsiformis*

571—77.3(481B) Endangered and threatened plants. The natural resource commission, in consultation with scientists with special knowledge and experience, determined the following plant species to be endangered or threatened in Iowa.

77.3(1) Endangered plant species:

Common Name	**Scientific Name**
Pale false foxglove	*Agalinis skinneriana*
Roundleaf serviceberry	*Amelanchier sanguinea*
Raccoon grape	*Ampelopsis cordata*
Pearly everlasting	*Anaphalis margaritacea*
Sand bluestem	*Andropogon hallii*
Round-lobed hepatica	*Anemone americana*
Carolina anemone	*Anemone caroliniana*
Bearberry	*Arctostaphylos uva-ursi*
Virginia snakeroot	*Aristolochia serpentaria*
Black chokeberry	*Aronia melanocarpa*

Fringed sagewort	*Artemisia frigida*
Mead's milkweed	*Asclepias meadii*
Showy milkweed	*Asclepias speciosa*
Green antelopehorn	*Asclepias viridis*
Wall-rue	*Asplenium ruta-muraria*
Field milkvetch	*Astragalus agrestis*
Prairie milkvetch	*Astragalus laxmannii*
Fern-leaved false foxglove	*Aureolaria pedicularia*
Water marigold	*Bidens beckii*
Matricary grape fern	*Botrychium matricariifolium*
Little grapefern	*Botrychium simplex*
Swamp moonwort	*Botrychium tenebrosum*
White-tinged sedge	*Carex albicans*
Back's sedge	*Carex backii*
Cordroot sedge	*Carex chordorrhiza*
Fringed sedge	*Carex crinita*
Raven's-foot sedge	*Carex crus-corvi*
Star sedge	*Carex echinata*
Shoreline sedge	*Carex hyalenolepis*
Hoplike sedge	*Carex lupuliformis*
Intermediate sedge	*Carex media*
Plantain-leaved sedge	*Carex plantaginea*
Drooping sedge	*Carex prasina*
Cyperus-like sedge	*Carex pseudocyperus*
Reflexed sedge	*Carex retroflexa*
Rocky Mountain sedge	*Carex saximontana*
Fireweed	*Chamaenerion angustifolium*
Pipsissewa	*Chimaphila umbellata*
Drooping woodreed	*Cinna latifolia*
Purple clematis	*Clematis occidentalis*
Blue-eyed mary	*Collinsia verna*
Spotted coralroot	*Corallorhiza maculata*
Golden corydalis	*Corydalis aurea*
Large-bracted corydalis	*Corydalis curvisiliqua*
Pale corydalis	*Corydalis flavula*
Pink corydalis	*Corydalis sempervirens*
Silky prairie-clover	*Dalea villosa*
Tree clubmoss	*Dendrolycopodium dendroideum*
Sessile-leaved tick trefoil	*Desmodium sessilifolium*
Roundleaved sundew	*Drosera rotundifolia*
Marginal shield fern	*Dryopteris marginalis*
Purple coneflower	*Echinacea purpurea*
Elliptic spikerush	*Eleocharis elliptica*
Few-flowered spikerush	*Eleocharis quinqueflora*
Wolf's spikerush	*Eleocharis wolfii*
Wiegand's wildrye	*Elymus wiegandii*

Downy willowherb	*Epilobium strictum*
Slender cottongrass	*Eriophorum gracile*
Tawny cottongrass	*Eriophorum virginicum*
Wood spurge	*Euphorbia commutata*
Forked aster	*Eurybia furcata*
Large-leaved aster	*Eurybia macrophylla*
Schreber's aster	*Eurybia schreberi*
Queen of the prairie	*Filipendula rubra*
False mermaid	*Floerkea proserpinacoides*
Rough bedstraw	*Galium asprellum*
Black Huckleberry	*Gaylussacia baccata*
Hairy goldenaster	*Heterotheca villosa*
Povertygrass	*Hudsonia tomentosa*
Rock clubmoss	*Huperzia porophila*
Canadian St. Johnswort	*Hypericum canadense*
Pineweed	*Hypericum gentianoides*
Flax-leaved aster	*Ionactis linariifolia*
White morning-glory	*Ipomoea lacunosa*
Black-based quillwort	*Isoetes melanopoda*
Alpine rush	*Juncus alpinoarticulatus*
Edged rush	*Juncus marginatus*
Vasey's rush	*Juncus vaseyi*
Creeping juniper	*Juniperus horizontalis*
Intermediate pinweed	*Lechea intermedia*
Hairy pinweed	*Lechea mucronata*
Wild lupine	*Lupinus perennis*
Bog clubmoss	*Lycopodiella inundata*
Hairy waterclover	*Marsilea vestita*
Millet grass	*Milium effusum*
Sensitive briar	*Mimosa nuttallii*
Partridge berry	*Mitchella repens*
Naked miterwort	*Mitella nuda*
Mat muhly	*Muhlenbergia richardsonis*
Small sundrops	*Oenothera perennis*
Fragile prickly-pear	*Opuntia fragilis*
Frenchgrass	*Orbexilum onobrychis*
Clustered broomrape	*Orobanche fasciculata*
One-sided shinleaf	*Orthilia secunda*
Rough-leaved ricegrass	*Oryzopsis asperifolia*
Cinnamon fern	*Osmundastrum cinnamomeum*
Philadelphia panic grass	*Panicum philadelphicum*
Arrow arum	*Peltandra virginica*
Cobaea beardtongue	*Penstemon cobaea*
Slender beardtongue	*Penstemon gracilis*
Tube beardtongue	*Penstemon tubaeflorus*
Wild dill	*Perideridia americana*

Long beechfern	*Phegopteris connectilis*
Fameflower	*Phemeranthus parviflorus*
Rough-seeded fameflower	*Phemeranthus rugospermus*
Mountain ricegrass	*Piptatherum pungens*
Wood orchid	*Platanthera clavellata*
Hooker's orchid	*Platanthera hookeri*
Green fringed orchid	*Platanthera lacera*
Eastern prairie fringed orchid	*Platanthera leucophaea*
Woodland Bluegrass	*Poa saltuensis*
Clammyweed	*Polansia jamesii*
Crossleaf milkwort	*Polygala cruciata*
Pink milkwort	*Polygala incarnata*
Purple milkwort	*Polygala polygama*
Hairy Solomon's-seal	*Polygonatum pubescens*
Jointweed	*Polygonella articulata*
White-stemmed pondweed	*Potamogeton praelongus*
Silverweed	*Potentilla anserina*
Pennsylvania cinquefoil	*Potentilla pensylvanica*
Stem flower dewberry	*Rubus caulifloris*
Washington dewberry	*Rubus celer*
Swamp dewberry	*Rubus hispidus*
Recurved blackberry	*Rubus recurvans*
New England blackberry	*Rubus semisetosus*
Bottomland dewberry	*Rubus serratus*
Uniform bristleberry	*Rubus uniformis*
Shining willow	*Salix lucida*
Smith's bulrush	*Schoenoplectiella smithii*
Downy skullcap	*Scutellaria incana*
Veined skullcap	*Scutellaria nervosa*
Wild stonecrop	*Sedum ternatum*
Meadow spikemoss	*Selaginella eclipes*
Knotweed bristlegrass	*Setaria parviflora*
Annual skeletonweed	*Shinneroseris rostata*
Three-toothed cinquefoil	*Sibbaldiopsis tridentata*
Needle-pointed blue-eyed grass	*Sisyrinchium mucronatum*
Rough-leaved goldenrod	*Solidago patula*
Bog goldenrod	*Solidago uliginosa*
Yellow-lipped ladies-tresses	*Spiranthes lucida*
Hooded ladies-tresses	*Spiranthes romanzoffiana*
Little ladies-tresses	*Spiranthes tuberosa*
Spring ladies-tresses	*Spiranthes vernalis*
Rough-leaved hedge-nettle	*Stachys aspera*
Pickering morning-glory	*Stylisma pickeringii*
Snowberry	*Symphoricarpos albus*
Waxy meadowrue	*Thalictrum amphibolum*
Western spiderwort	*Tradescantia occidentalis*

Small bladderwort	*Utricularia minor*
Sessile-leaf bellwort	*Uvularia sessilifolia*
Low sweet blueberry	*Vaccinium angustifolium*
Velvetleaf blueberry	*Vaccinium myrtilloides*
American brookline	*Veronica americana*
Maple-leaved arrowwood	*Viburnum acerifolium*
Spurred violet	*Viola adunca*
Large-leaved violet	*Viola blanda*
Frost grape	*Vitis vulpina*
Rusty woodsia	*Woodsia ilvensis*
Oregon woodsia	*Woodsia oregana*

77.3(2) Threatened plant species:

Common Name	**Scientific Name**
Slender three-seeded mercury	*Acalypha gracilens*
Northern wild monkshood	*Aconitum noveboracense*
Round-stemmed false foxglove	*Agalinis gattingeri*
Inland serviceberry	*Amelanchier interior*
Fragrant false indigo	*Amorpha nana*
Woolly milkweed	*Asclepias lanuginosa*
Oval-leaved milkweed	*Asclepias ovalifolia*
Narrow-leaved milkweed	*Asclepias stenophylla*
Pawpaw	*Asimina triloba*
Water parsnip	*Berula erecta*
Watershield	*Brasenia schreberi*
Poppy mallow	*Callirhoe triangulata*
Water-starwort	*Callitriche heterophylla*
Low bindweed	*Calystegia spithamaea*
Assiniboine sedge	*Carex assininboinensis*
Carey’s sedge	*Carex careyana*
Fibrous-root sedge	*Carex communis*
Spreading sedge	*Carex laxiculmis*
Delicate sedge	*Carex leptalea*
Yellow sedge	*Carex lurida*
Sterile sedge	*Carex sterilis*
Quill sedge	*Carex tenera*
Shaved sedge	*Carex tonsa*
Wood’s sedge	*Carex woodii*
Pink turtlehead	*Chelone obliqua*
Marsh cinquefoil	*Comarum palustre*
Dayflower	*Commelina erecta*
Bunchberry	*Cornus canadensis*
Fireberry hawthorn	*Crataegus chrysocarpa*
Waxy-fruited hawthorn	*Crataegus pruinosa*
Showy lady’s slipper	*Cypripedium reginae*
Shrubby cinquefoil	*Dasiphora fruticosa*

Silvery spleenwort	*Deparia acrostichoides*
Northern panic-grass	*Dichanthelium boreale*
Slim-leaved panic-grass	*Dichanthelium linearifolium*
Narrow-leaved spleenwort	*Diplazium pynocarpon*
Glandular wood fern	*Dryopteris intermedia*
Oval spikerush	*Eleocharis ovata*
Woodland horsetail	*Equisetum sylvaticum*
Yellow trout lily	*Erythronium americanum*
Upland boneset	*Eupatorium sessilifolium*
Slender fimbry	*Fimbristylis autumnalis*
Blue ash	*Fraxinus quadrangulata*
Bog bedstraw	*Galium labradoricum*
Oak fern	*Gymnocarpium dryopteris*
Needle-and-thread grass	*Hesperostipa comata*
Green violet	*Hybanthus concolor*
Winterberry	*Ilex verticillata*
Twinleaf	*Jeffersonia diphylla*
Green rush	*Juncus greenii*
Dwarf dandelion	*Krigia virginica*
Prairie bush clover	*Lespedeza leptostachya*
Cleft conobea	*Leucospora multifida*
Twinflower	*Linnaea borealis*
Whiskbroom parsley	*Lomatium foeniculaceum*
Western parsley	*Lomatium orientale*
Running clubmoss	*Lycopodium clavatum*
Bunchflower	*Melanthium virginicum*
Ten-petaled blazingstar	*Mentzelia decapetala*
Bog buckbean	*Menyanthes trifoliata*
Northern lungwort	*Mertensia paniculata*
Rock sandwort	*Minuartia michauxii*
Pinesap	*Monotropa hypopithys*
Southern adder’s-tongue	*Ophioglossum vulgatum*
Royal fern	*Osmunda regalis*
Purple cliffbrake	*Pellaea atropurpurea*
White beardtongue	*Penstemon albidus*
Broad beech fern	*Phegopteris hexagonoptera*
Northern bog orchid	*Platanthera aquilonis*
Western prairie fringed orchid	*Platanthera praeclara*
Purple fringed orchid	*Platanthera psycodes*
Bog bluegrass	*Poa paludigena*
Nodding rattlesnake-root	*Prenanthes crepidinea*
Canada plum	*Prunus nigra*
Sand cherry	*Prunus pumila*
Pink shinleaf	*Pyrola asarifolia*
Meadow beauty	*Rhexia virginica*
Northern currant	*Ribes hudsonianum*

Wood's rose	*Rosa woodsii*
Garden dewberry	*Rubus aboriginum*
Short-stalked dewberry	*Rubus curtipes*
Southern dewberry	*Rubus enslenii*
Iron River dewberry	*Rubus ferrofluvius*
Common dewberry	*Rubus flagellaris*
Fuller's bristly dewberry	*Rubus fulleri*
Downy dewberry	*Rubus satis*
Widgeon grass	*Ruppia cirrhosa*
Bog willow	*Salix pedicellaris*
Leathery grapefern	*Sceptridium multifidum*
Low nutrush	*Scleria verticillata*
Buffaloberry	*Sheperdia argentea*
Scarlet globemallow	*Sphaeralcea coccinea*
Rush aster	*Symphyotrichum boreale*
Large arrowgrass	*Triglochin maritima*
Small arrowgrass	*Triglochin palustris*
Black arrowwood	*Viburnum molle*
Lance-leaved violet	*Viola lanceolata*
Macloskey's violet	*Viola macloskeyi*
Kidney-leaved violet	*Viola renifolia*
Summer grape	*Vitis aestivalis*
Yellow-eyed grass	*Xyris torta*

571—77.4(481B) Exemptions. Notwithstanding the foregoing list and the prohibitions in Iowa Code chapter 481B, a person may import, export, possess, transport, purchase, barter, buy, sell, offer to sell, hold for processing or process a species of animal or plant that is listed as endangered or threatened on the state list or as listed in the Code of Federal Regulations, Title 50, Part 17 as amended to December 30, 1991, according to the following rules:

77.4(1) Trophies lawfully taken by persons licensed to hunt or fish (not including trapping or commercial harvest licenses) in another state, country or territory may be brought into this state and possessed, held for processing and processed but may not be sold or offered for sale.

77.4(2) Furs or skins of wildlife species appearing on the state list of endangered and threatened species that were lawfully taken or purchased in another state, country or territory may be imported, exported, purchased, possessed, bartered, offered for sale, sold, held for processing, or processed in this state if they are tagged or permanently marked by the state, country, or territory of origin.

77.4(3) Species of live animals appearing on the state list of endangered and threatened species may be imported, exported, possessed, purchased, bartered, offered for sale, or sold under the terms of a scientific collecting permit or educational project permit issued pursuant to Iowa Code section 481A.65 and administrative rules adopted by the department.

77.4(4) Plants, seeds, roots, and other parts of plants that appear on the state list of endangered and threatened plants that were lawfully taken or purchased in another state, country or territory may be imported, exported, purchased, possessed, offered for sale or sold in this state.

77.4(5) A part or product of a species of fish or wildlife appearing on the state list of endangered or threatened species that enters the state from another state or from a point outside the territorial limits of the United States may enter, be transported, exported, possessed, sold, offered for sale, held for processing or processed in accordance with the terms of a permit issued by the agency of jurisdiction in the state of origin or, if entering from outside the United States, a federal permit issued by the United States government. If proper documentation is available, a person may buy or offer to buy a part or

product of a species of fish or wildlife appearing on the state or federal lists as long as it is imported from a legal source outside this state and proper documentation is provided.

77.4(6) If a person possesses a species of fish or wildlife or a part, product or offspring of such a species, proper documentation such as receipt of purchase and the permit from the state of origin or the U.S. government must be presented upon request of any conservation officer. Failure to produce such documentation is a violation of this chapter and will constitute grounds for forfeiture to the Iowa DNR.

77.4(7) A species of plant, fish or wildlife appearing on the state list of endangered and threatened species may be collected, held, salvaged and possessed under the terms of a scientific collecting permit issued pursuant to Iowa Code section 481A.6 and administrative rules adopted by the department.

77.4(8) Drainage district repairs and improvements to existing open ditch facilities are excluded from the department's protection efforts for the Topeka shiner. This includes facilities of levee and drainage districts established and maintained under Iowa Code chapter 468. This exclusion does not apply to new channelization, deepening, or leveeing of existing streams and rivers with permanent flow or existing streams with off-channel water areas capable of supporting fish.

77.4(9) The department may enter into an agreement with a private landowner for habitat improvements that benefit endangered and threatened species while limiting the potential impacts to the landowner arising when a covered species becomes more numerous due to the voluntary improvements to the habitat. If any covered species becomes more numerous as a result of the landowner's voluntary actions, a private landowner who commits to implement voluntary conservation measures for a listed species will not be required to implement additional measures, and additional land, water, or resource use restrictions will not be imposed.

a. The department will provide participating landowners with technical assistance to develop landowner habitat improvement agreements. Each agreement shall include the following:

(1) Landowner's name.
(2) Legal description of the property covered by the agreement.
(3) Length of agreement period.
(4) Species covered by the agreement.
(5) Baseline conditions: the estimated number of listed species and the size and condition of habitat for each species covered.
(6) Conservation measures to be implemented and implementation schedule.
(7) Financial commitment of the department and the landowner.
(8) Measures to determine if the agreement has been fulfilled.
(9) Any property use restrictions.
(10) Terms for the termination of the agreement prior to its scheduled expiration.

b. The landowner, through normal lawful activities, may return the property to the baseline or a mutually agreed-upon condition above the baseline at any time after expiration of the landowner habitat improvement agreement.

These rules are intended to implement Iowa Code chapter 481B.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0268D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to ginseng harvesting and sale

The Natural Resource Commission (Commission) hereby rescinds Chapter 78, "Ginseng Harvesting and Sale," Iowa Administrative Code, and adopts a new Chapter 78 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 456A.24.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 456A.24; Executive Order 10; and 50 CFR Parts 13 and 23.

Purpose and Summary

Chapter 78 contains rules related to ginseng propagation and harvest and the sale of the root. These rules are necessary to allow and maintain the lawful take of American Ginseng in the State. Pursuant to Iowa Code section 456A.24(11), the Commission and the Department are charged with establishing rules to govern the ginseng program in a manner that is compliant with federal law. This is because American Ginseng is a federally regulated species subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

This chapter has been reviewed and edited consistent with Executive Order 10. In an attempt to reduce and simplify regulatory burdens, the new chapter defines, clarifies, and minimizes the redundancies found in the previous version.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9909C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 78 and adopt the following **new** chapter in lieu thereof:

CHAPTER 78
GINSENG HARVESTING AND SALE

571—78.1(456A) Definitions. All words and phrases used in these rules shall have their ordinary and customary meaning, except that the following words and phrases shall be defined as follows:

"Controlled conditions" means an environment that is manipulated by human intervention for the purpose of plant production. Characteristics of controlled conditions include but are not limited to tillage, fertilization, weed and pest control, irrigation, or artificial shade or light or nursery operations such as potting, bedding, or protection from weather.

"Cultivated or artificially propagated ginseng" means ginseng that is nurtured, propagated or maintained under controlled conditions from a seed, cutting, division, callus tissue, root, rhizome, other plant tissue, spore, or other propagule that has been derived from cultivated parental stock.

"Cultivated parental stock" means plants grown under controlled conditions that are used for reproduction and must be maintained in sufficient quantities for propagation.

"Cutting" or *"division"* means a plant grown from the root, rhizome, stem, or leaf of another plant and is considered to be artificially propagated if the specimen comes from cultivated parental stock.

"Dealer" means any person who deals in ginseng, which includes without limitation buying, selling, purchasing, holding, brokering, billing for, bartering, trading or otherwise receiving payment for wild or cultivated ginseng in Iowa for the purpose of selling or otherwise transacting wild or cultivated ginseng. "Dealer" includes any person, including without limitation a harvester, who sells ginseng to any person other than a dealer licensed pursuant to these rules or lawfully licensed in another state.

"Dealer's permit" means a permit issued to a dealer by the department under these rules.

"Department" means the Iowa department of natural resources.

"Director" means the director of the Iowa department of natural resources or a designee.

"Ginseng" means all parts of the American Ginseng (*Panax quinquefolius*) plant, including without limitation roots, rhizomes, leaves and seeds, which may be cultivated or wild. "Ginseng," for purposes of these rules, does not mean those parts of the American Ginseng plant that have been processed.

"Green ginseng" means a root of ginseng from which the moisture has not been removed by drying. For the purposes of these rules, the amount of dried ginseng rhizome that can be derived from green ginseng rhizome shall be calculated using a ratio of three and three-tenths to one (3.3:1) by weight.

"Grower" means a person who grows cultivated ginseng for the purpose of selling the ginseng.

"Grower's permit" means a permit issued under these rules to a grower.

"Harvester" means any person who harvests, possesses, transports, cuts, gathers, destroys, digs or uproots wild ginseng for the purpose of selling the ginseng or for personal use.

"Harvester's permit" means a permit issued under these rules to a harvester.

"Nonresident" means a person other than a resident as defined by Iowa Code section 483A.1A.

"Permits" means dealer's permits, grower's permits and harvester's permits issued under these rules.

"Resident" means a resident as defined by Iowa Code section 483A.1A.

"Root" means the ginseng rhizome and its roots.

"True leaves" or *"prongs"* means compound leaves that include five leaflets consisting of three large leaflets and two small leaflets.

"Wild ginseng" means an unprocessed plant, dry or green root, rhizome, seed or other part of ginseng, which is growing in or has been collected from its native habitat, including wild ginseng plants that have arisen from a wild seed that is planted in the wild or that have been transplanted into native habitat. Wild ginseng is ginseng that has not been grown or nurtured by a person beyond planting of seeds or plant.

"Wild simulated" ginseng means an unprocessed plant, dry or green root, rhizome, seed or other part of ginseng that is propagated, planted or collected in an environment with some level of

human intervention for the purpose of plant production. All "wild ginseng" rules shall apply to this classification.

571—78.2(456A) Season for legal harvest. The season for legally harvesting ginseng is September 1 through October 31.

571—78.3(456A) General prohibitions.

78.3(1) *Harvest.* From November 1 through the following August 31, no person shall harvest, dig, cut, uproot, gather, intentionally disturb, or destroy ginseng, whether the ginseng is wild, wild simulated, or cultivated ginseng. This prohibition shall not apply to the transplantation or intentional disturbance of cultivated ginseng when such activities are incidental to the cultivation and growing of cultivated ginseng in a nursery business.

78.3(2) *Sale.* A person, other than a dealer licensed pursuant to these rules, shall not sell ginseng from March 16 through August 31.

78.3(3) *Sale and possession of green ginseng.* A person shall not possess or transact business in green ginseng from November 21 through August 31 unless otherwise provided for by these rules.

78.3(4) *State-owned and state-managed lands.* In an effort to conserve and protect native stands of wild ginseng, the introduction of nonnative ginseng stock on state-owned or state-managed lands under the jurisdiction of the commission is prohibited, except in narrow circumstances as described in these rules. As such, a person shall not, at any time, possess, harvest, dig, cut, uproot, gather, plant, propagate, intentionally disturb or destroy ginseng or ginseng seed on state-owned or state-managed lands under the jurisdiction of the commission. Nothing in this chapter shall prohibit the department from taking measures on state-owned or state-managed lands under the jurisdiction of the commission to conserve and protect native wild ginseng, which may include without limitation planting and possessing seeds, or from carrying out other land management practices in areas where ginseng may be present.

571—78.4(456A) Ginseng permits. The department shall issue a dealer's permit upon receipt of a signed and complete application. An application shall be submitted on the form provided by the department, and payment of the appropriate fee shall be included with the application. Grower's and harvester's permits are available for sale through the department's electronic licensing system. The department shall not issue a permit if the department determines that the permit will be detrimental to the survival of ginseng or will otherwise be in contravention of the laws of this state or applicable federal laws. A person shall not carry, possess or use any other person's permit issued pursuant to these rules, except as specifically provided by these rules.

78.4(1) *Duplicate permits.* A duplicate grower's permit, harvester's permit or dealer's permit may be issued upon application to the department and the payment of a $4.50 fee plus any charges associated with the department's electronic licensing system.

78.4(2) *Grower's permits.*

a. A person must obtain a permit from the department to legally grow cultivated ginseng and make the permit available upon request by any peace officer. There is no fee for the permit, except for the charge associated with the department's electronic licensing system.

b. A grower's permit shall be valid for five years from the date of issuance.

78.4(3) *Harvester's permits.*

a. Any person who harvests wild ginseng must have a valid harvester's permit issued by the department and shall produce such permit upon request to any peace officer or the owner or person in lawful control of the land upon which the permittee may be harvesting wild ginseng while the person is engaged in harvesting activities, including the person's moving to or from the harvest site, transporting ginseng and selling of the harvested ginseng.

b. A harvester's permit may be obtained through the department's electronic licensing system for a fee of $35 for residents and $65 for nonresidents plus any charges associated with the department's electronic licensing system.

c. A harvester's permit shall be valid from September 1 through March 15 of the following year.

d. A harvester who has a valid harvester's permit may sell wild ginseng from September 1 through March 15 of the following year.

e. A harvester with a valid harvester's permit may retain no more than four ounces of dry wild ginseng for personal consumption for one year beyond the expiration date of the permit. All wild or wild simulated ginseng possessed pursuant to this paragraph shall be for the harvester's personal use only and cannot be lawfully sold.

f. No person may sell, barter or otherwise offer for sale any ginseng that has been unlawfully collected, obtained or possessed in violation of this chapter, the Iowa Code, or the Code of Federal Regulations.

78.4(4) *Dealer's permits.*

a. A dealer in Iowa must have a valid dealer's permit issued by the department and make the permit available upon request by any peace officer. A dealer's paid employees and family members who work at a dealer's primary place of business as identified on the dealer's permit may operate legally under the dealer's permit. For purposes of this subrule, family members include a dealer's spouse, domestic partner, parents, siblings, and children.

b. In order to be considered, an application for a dealer's permit shall be made on the form provided by the department, be complete, and be executed by the person seeking the dealer's permit.

c. Dealer's permits shall be issued that authorize a person to deal in any amount of ginseng in a license year. The permit application shall be accompanied by a $250 permit fee for Iowa residents and a $500 permit fee for nonresidents plus any charges associated with the department's electronic licensing system.

d. A dealer's permit shall be valid for a license year, from April 1 until March 31 of the following year.

e. A dealer's permit must be shown to the department when the department is certifying ginseng and must be shown to harvesters or other dealers when the dealer is buying ginseng.

571—78.5(456A) Dealers—prohibitions. A dealer shall not buy, deal, purchase, sell, or otherwise transact business of ginseng, its seeds, or its parts:

1. If the dealer knows or should have known that the ginseng was harvested illegally.
2. Without inspecting the permit of the harvester or dealer.
3. If the dealer knows or should have known that the harvester or dealer has violated this chapter.

571—78.6(456A) Dealers—recordkeeping.

78.6(1) *Contents of records.* Each permitted ginseng dealer shall keep individual, accurate, legible and complete records of each ginseng transaction. The records shall be on forms prescribed by the department and completed in their entirety by the ginseng dealer or a representative of the department. The department will provide a reasonable number of these forms at no cost to the dealer. The dealer's record of each ginseng transaction shall include:

a. The date of transaction;

b. The name and address of the buyer or seller, whichever is applicable for the transaction;

c. The harvester's permit number or dealer's permit number if a dealer is buying ginseng in the transaction;

d. A description of the ginseng transacted, including the actual weight of the ginseng transacted and whether the ginseng is dried or green. If the ginseng is green ginseng, the weight shall also be converted to the dried weight of ginseng according to the ratio in 571—78.3(456A);

e. The name of the county or counties where the ginseng was harvested if the ginseng is purchased from a harvester;

f. A copy of the ginseng's certificate of origin, signed by the seller, if applicable;

g. The year of harvest for the ginseng bought or sold; and

h. Any additional information as requested by the department and included on the department's form.

78.6(2) *Monthly reporting.* Each dealer shall submit to the department copies of all records required by 78.7(1) on a monthly basis, no later than the fifteenth day of each month.

78.6(3) *Carryover report.* The dealer must complete an inventory of any roots remaining in the dealer's possession in Iowa as of April 1, including the roots' certified weight and designation as either wild, wild simulated, or cultivated ginseng, or a statement that the dealer has no roots remaining in the dealer's possession. Any certification regarding a root's weight as required by this subrule shall be completed through the department's agent upon appointment. Any roots carried over from one license year to the next shall be documented on the following license year's reports.

571—78.7(456A) Dealer locations.

78.7(1) *Transact business.* Ginseng dealers shall transact business only at the location specified on the dealer's permit or at the place of business specified on the permit of any other dealer who holds a dealer's permit in Iowa and is involved in the transaction.

78.7(2) *Location permits.*

a. A dealer who wishes to transact business at a location other than the locations provided for in 78.8(1) may obtain a location permit from the department. Each location permit shall be valid only for the location specified, on the dates and times listed on the location permit, and shall entitle the dealer to operate at that location in addition to the location specified on the corresponding dealer's permit.

b. The department shall, upon application and payment of the applicable location permit fee, furnish a location permit to the dealer. The location permit fee shall be $5 for residents and $50 for nonresidents plus any charge associated with the department's electronic licensing system.

78.7(3) *Duplicate location permits.* A duplicate location permit may be issued upon application to the department and the payment of a $4.50 fee plus any charge associated with the department's electronic licensing system.

571—78.8(456A) Certificates of origin.

78.8(1) *Shipments.* Every shipment of ginseng to a location outside the state of Iowa by a grower, harvester or dealer shall be accompanied by a certificate of origin, or shipping certificate, that certifies that the ginseng was lawfully harvested.

a. The department will issue a certificate of origin for cultivated ginseng to a grower or dealer on a form provided by the department based upon the permit holder's compliance with the requirements of this chapter.

b. The department will issue a certificate of origin for wild or wild simulated ginseng to a harvester on a form provided by the department based upon the permit holder's compliance with the requirements of this chapter.

c. The certificate of origin for cultivated, wild simulated, and wild ginseng will be issued by the department's agent after the roots have been weighed and certified upon appointment.

78.8(2) *Wild ginseng originating in another state.*

a. No person may ship in or out of this state to or from another state or foreign country any ginseng that originates in another state or foreign country without a valid certificate of origin issued by that other state or foreign country.

b. If a resident dealer receives wild ginseng that originated in another state and if a certificate of origin issued by that state does not accompany the wild ginseng, the dealer shall return the wild ginseng to the sender immediately upon its receipt.

c. A dealer shall maintain a copy of the certificate of origin with the record of the transaction.

d. It shall be lawful for any person to have in possession any ginseng lawfully harvested or purchased outside Iowa and lawfully brought into the state so long as the person possesses a valid certificate of origin for the ginseng.

571—78.9(456A) Records retention. Any records required by this chapter to be maintained or submitted shall be produced for inspection upon request by the department, director, officer appointed by the department, or peace officer. All records under this chapter must be retained for a period of three

years after the expiration of the grower's, harvester's, or dealer's permit. Failure to maintain records or to submit reports as required by these rules is a violation of these rules.

571—78.10(456A) Restrictions and prohibitions for harvesting wild ginseng.

78.10(1) No person shall harvest a plant unless the plant possesses three or more true leaves or prongs and a flowering or fruiting stalk with red berries. If, after a person removes a plant from the soil with the requisite leaves or prongs, it is determined the root has less than five stem scars, the person shall return the plant to the soil at the same location and make best efforts to return the plant and the surrounding area to their condition prior to harvest of the plant. In no event shall a person harvest or possess a wild ginseng root unless the root has at least five stem scars.

78.10(2) When a person harvests ginseng, the entire plant, except the fruit and seeds, shall be retained until the plant is taken to the harvester's residence or place of business, as identified in the harvester's permit.

571—78.11(456A) Additional restrictions and prohibitions for ginseng.

78.11(1) All persons harvesting wild or wild simulated ginseng shall plant all seeds collected from such plants within 100 feet of the parent plant. Seeds collected for planting pursuant to this subrule should be collected from the fruit by gently pressing the fruit of the ginseng.

78.11(2) A person shall use no tool other than the person's finger to plant ginseng seeds and shall not push seeds to a depth greater than one inch into the soil.

78.11(3) A person shall not possess or transport seeds of wild or wild simulated ginseng more than 100 feet from the site of the parent plant.

571—78.12(456A) Compliance with laws. A person shall not violate any state, federal or local laws in harvesting, dealing or shipping ginseng.

571—78.13(456A) Violations of this chapter.

78.13(1) A person violating this chapter shall be subject to a scheduled fine pursuant to Iowa Code section 805.8B(4) and permit suspension, modification and revocation pursuant to 571—78.17(456A).

78.13(2) Each ginseng plant or part thereof, including any ginseng, unlawfully harvested, dealt, or shipped shall be a separate offense. More than one person per plant may be guilty of violating this chapter.

78.13(3) Materials determined by the department's law enforcement personnel to be contraband or to have been taken in violation of this chapter may be seized and disposed of in conformance with Iowa Code chapter 809.

571—78.14(456A) Possession.

78.14(1) When a person is in possession of ginseng, including the shipping or transporting of ginseng, if one or more parts of ginseng are deemed unlawful, the entire contents of possession shall be deemed unlawful.

78.14(2) Any person or dealer who has in possession any ginseng or parts thereof shall upon request by the department, director, any officer appointed by the department, or peace officer show the ginseng to the department, director, or officer; a refusal to do so is a violation of this chapter.

571—78.15(456A) Valuation. The value of seized ginseng that was harvested or possessed in violation of these rules shall be based on the current market value, as determined by the department.

571—78.16(456A) Revocation of permits. Any permit issued pursuant to this chapter may be revoked, in whole or in part, by written notice if the department determines that the permit holder has violated any provision of this chapter and determines that continuation of the permit is not in the public interest. Such revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the revocation and the reasons for the action. Within 30 days following receipt of the notice

of a revocation, the permit holder may file a notice of appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be reinstated.

571—78.17(456A) Reciprocity. Nonresident harvesters, growers and dealers from states that regulate American Ginseng by allowing the harvesting, cultivating and dealing in American Ginseng but that prohibit Iowa harvesters, growers and dealers to lawfully operate in those states are not eligible for permits issued by the department.

These rules are intended to implement Iowa Code section 456A.24(11).

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[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0269D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to fish stocking

The Natural Resource Commission (Commission) hereby rescinds Chapter 79, "Fish Stocking Procedures and Fees for Private Waters," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 456A.24 and 481A.78.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 456A.24 and 481A.78 and Executive Order 10.

Purpose and Summary

Chapter 79 contains procedures and fees for the stocking of fish into private waters. This chapter is antiquated and unnecessary. The Department no longer produces nor provides fish for private waters. Consistent with Executive Order 10, this chapter is being rescinded.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9913C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **571—Chapter 79**.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0270D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to salvage of fish and game

The Natural Resource Commission (Commission) hereby rescinds Chapter 80, "Salvage of Fish and Game," Iowa Administrative Code, and adopts a new Chapter 80 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.11, 481A.38 and 481A.39.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.11, 481A.38 and 481A.39.

Purpose and Summary

Chapter 80 establishes rules for the lawful salvage, distribution, and possession of fish and game that are accidentally killed by motor vehicles, confiscated by authorities, or found dead. The chapter ensures that salvaged resources are used appropriately (primarily for human consumption or animal feed) and not exploited for commercial gain or illegal purposes. The chapter also outlines procedures for collecting shed antlers and found-dead deer ("deadheads") during different times of the year. This chapter was reviewed and edited consistent with 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 7, 2026, as **ARC 9919C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 11, 2026

No one attended the public hearings. One public comment was received. The comment sought to require affixing the authorization number or physical tag to the deadhead for identification.

Changes from the Notice have been made to clarify that the authorization number or physical tag needs to be affixed to the deadhead.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 80 and adopt the following **new** chapter in lieu thereof:

CHAPTER 80
SALVAGE OF FISH AND GAME

571—80.1(481A) Salvage. Salvage authorizes the possession of confiscated fish or game or game accidentally killed by a motor vehicle on a public highway for the purpose of human consumption or the feeding of domestic animals. Any other benefits derived from the possession of legally salvaged game (such as legal sale of hides, plumage, or antlers) is a secondary benefit only. Peace officers are not to salvage game solely for the purpose of financial gain or commercial taxidermy.

80.1(1) The following game when accidentally killed by a motor vehicle shall not be considered salvageable: spotted fawn deer and hen pheasants.

80.1(2) All salvaged game or fish shall be accompanied with a salvage tag signed by the holder and a peace officer or designee of the director of the department of natural resources and shall be valid for

the time period assigned on the tag. The salvage tag shall remain with the game or fish until the game or fish is consumed. All salvage tags referred to in this chapter are not transferable.

571—80.2(481A) Game killed by motor vehicle.

80.2(1) Any person wanting to possess game accidentally killed by a motor vehicle on a highway shall immediately contact the nearest conservation officer, Iowa state trooper, sheriff's department, or police department to request and receive a salvage tag prior to taking possession of said game. The whole carcass of the game animal must be removed from the scene.

80.2(2) When a request is made for game accidentally killed by a motor vehicle, the game shall, when salvageable, be disposed of in accordance with the following priorities:

a. Individuals involved in the accident;
b. Public institutions;
c. Nonprofit organizations;
d. Others.

571—80.3(481A) Confiscated fish or game.

80.3(1) The following conditions shall apply to a person being allowed to take possession of fish or game confiscated by the department of natural resources or a court.

80.3(2) Confiscated fish or game, when salvageable, shall be disposed of in accordance with the following priorities:

a. Public institutions.
b. Nonprofit organizations.
c. Others.

571—80.4(481A) Deadheads and shed-antlers.

80.4(1) Naturally shed deer antlers may be collected and possessed at any time of year.

80.4(2) Found-dead deer heads with attached antlers, also known as deadheads, may be collected and possessed by individuals who possess a valid hunting license and have paid the habitat fee pursuant to Iowa Code section 483A.1 unless exempt under Iowa Code section 483A.24(1) or 483A.24(8). Collection is permitted during the following time periods under the following conditions:

a. February 1 through July 31: an individual must electronically complete and submit a deadhead report and possession authorization through the department's website prior to collecting and possessing each deadhead. The unique authorization number shall be affixed to and remain with the deadhead.

b. August 1 through January 31: an individual must contact the local conservation officer and request a physical deadhead tag prior to taking possession. Verbal or electronic authorization from a conservation officer is sufficient for temporary possession until a physical tag can be issued and affixed by a conservation officer. The physical tag shall remain affixed to the deadhead.

80.4(3) This rule does not apply to deer that have been shot or killed by unlawful methods or means.

These rules are intended to implement Iowa Code sections 481A.11, 481A.38, and 481A.39.

[Filed 4/17/26, effective 6/17/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0271D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to fishing regulations

The Natural Resource Commission (Commission) hereby rescinds Chapter 81, "Fishing Regulations," Iowa Administrative Code, and adopts a new Chapter 81 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

Purpose and Summary

Chapter 81 establishes seasons, territories, daily bag limits, possession limits, and length limits for Iowa sport fishing. The regulation of fisheries ensures sustainable populations and recreational opportunities for Iowans into the future. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9916C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 81 and adopt the following **new** chapter in lieu thereof:

CHAPTER 81
FISHING REGULATIONS

571—81.1(481A) Seasons, territories, daily bag limits, possession limits, and length limits.

	INLAND WATERS				BOUNDARY RIVERS
Lake Sturgeon	Closed	0	0	0	Same as inland waters
Shovelnose Sturgeon	Continuous	None	None	None	Same as inland waters except no harvest allowed in the Big Sioux River and aggregate daily bag limit 10, aggregate possession limit 20, in the Missouri River
Paddlefish*	Continuous	2	4	None	Mississippi River— Same as inland waters except for an open season and length limit; see below* Missouri and Big Sioux Rivers—Special regulations; see below*
Yellow Perch	Continuous	25	50	None	Same as inland waters except no bag or possession limit in the Missouri River
Trout	Continuous	5	10	None*	Same as inland waters
Catfish*	Continuous	8 Lakes 15 Streams	30	None	Same as inland waters except no bag or possession limit in the Mississippi River
Black Bass (Largemouth Bass) (Smallmouth Bass) (Spotted Bass)	Continuous	3 In Aggregate	6	See below*	Continuous open season; aggregate daily bag limit 5, aggregate possession limit 10 See below*
Combined Walleye, Sauger and Saugeye	Continuous*	5*	10*	None*	Continuous open season; aggregate daily bag limit 6, aggregate possession limit 12; except aggregate daily bag limit 4, aggregate possession limit 8, in the Big Sioux and Missouri Rivers See below*
Northern Pike	Continuous*	3	6	None	Continuous open season; daily bag limit 5, possession limit 10; except daily bag limit 6, possession limit 12, in the Big Sioux River
Muskellunge or Hybrid Muskellunge	Continuous*	1	1	40″	Same as inland waters
Crappie	Continuous	25*	None	None	Same as inland waters except 50 in possession
Bluegill	Continuous	25*	None	None	Same as inland waters except in aggregate with pumpkinseed on the Mississippi River
All other fish species*	Continuous	None	None	None	See below*

	INLAND WATERS				BOUNDARY RIVERS
Frogs (except Bullfrogs)	Continuous	48	96	None	Same as inland waters
Bullfrogs (*Lithobates catesbeiana*)	Continuous	12	12	None	Same as inland waters

*Exceptions noted in 571—81.2(481A).

571—81.2(481A) Exceptions to seasons and limits, set in 571—81.1(481A).

81.2(1) Exception closed season. In lakes West Okoboji, East Okoboji and Spirit, there shall be a closed season on walleye beginning February 15 each year through the first Saturday in May. Open season for muskellunge and tiger muskie shall be from May 21 through November 30.

81.2(2) Black bass. The department may post season, bag or possession limits, length limits, and catch and release regulations specific to a body of water at that body of water. For bodies of water without posted regulations, the following regulations apply to black bass:

a. A 15-inch minimum length limit shall apply in all public lakes.

b. A 12-inch minimum length limit shall apply in all interior streams, river impoundments, and the Missouri River including chutes and backwaters.

c. A 14-inch minimum length limit shall apply to the Mississippi River including chutes and backwaters.

81.2(3) Walleye.

a. West Okoboji, East Okoboji, Spirit, Upper Gar, Minnewashta, and Lower Gar Lakes in Dickinson County; Storm Lake in Buena Vista County; Clear Lake in Cerro Gordo County; and Big Creek Lake in Polk County. The daily bag limit shall be three, with a possession limit of six.

b. Length limits. Length limits shall apply to walleye in public waters that have length limits posted or published.

81.2(4) Paddlefish snagging is permitted in waters of the state designated in 571—81.1(481A) except as follows:

a. There shall be no open season above the Interstate 29 bridge in the Big Sioux River, nor in any tributary of this stream within 200 yards immediately upstream of a tributary confluence.

b. Snagging for paddlefish on the Missouri and Big Sioux Rivers is limited to Iowa waters only, beginning in the Big Sioux River below the Interstate 29 bridge to the Big Sioux River's confluence with the Missouri River and in the Missouri River, including all backwaters and sloughs and any tributary of the Missouri River, beginning at the Big Sioux River confluence and extending to the Hamburg Landing boat ramp.

(1) There shall be an open season from February 1 through April 30.

(2) Snagging hours are from sunrise to sunset.

(3) Bag limit is one paddlefish per paddlefish fishing license.

(4) Paddlefish fishing license quota is 950 for resident anglers and 50 for nonresident anglers. Anglers may purchase one paddlefish license from December 15 through December 31 and either a first or second license between January 1 and January 7.

(5) Each angler fishing for paddlefish and any species listed in 81.2(11) on the Missouri and Big Sioux Rivers shall have a valid paddlefish license and unused tag.

(6) Immediately upon an angler's taking into possession a legal paddlefish, a valid transportation tag issued with the license shall be visibly attached to the fish's lower jaw. The transportation tag shall remain affixed to the paddlefish until the paddlefish is processed for consumption. The transportation tag shall be proof of possession of the carcass by the above-mentioned licensee. During the closed season, the possession of paddlefish on the Missouri and Big Sioux Rivers is prohibited unless the paddlefish are legally taken in Nebraska or South Dakota.

(7) A gaffe hook or other penetrating device cannot be used as an aid in the landing of a snagged fish.

c. Snagging for paddlefish on the Mississippi River is restricted to the area within 500 yards below the navigation dams and their spillways. The open season on the Mississippi River is the period from March 1 through April 15.

d. On the Mississippi River, a 33-inch maximum length limit shall apply; any paddlefish measuring 33 inches or more when measured from the front of the eye to the natural unaltered fork of the tail must immediately be released alive. On the Missouri and Big Sioux Rivers and on each Missouri River tributary from its confluence and extending to below its Interstate 29 bridge, a 35-inch to 45-inch protected-slot limit shall apply; a paddlefish measuring 35 inches to 45 inches when measured from the front of the eye to the natural unaltered fork of the tail shall immediately be released alive. To measure a paddlefish, the angler shall use a flexible tape and measure along and over the center line contour of the fish while it is lying flat.

81.2(5) Trout regulations. The department may post season, bag or possession limits, length limits, catch and release regulations, and tackle restrictions specific to a body of water at that body of water. On bodies of water posted as artificial lure only, "artificial lure" means a lure that does not contain or have applied to it any natural or synthetic substances designed to attract fish by the sense of taste or smell. For bodies of water without posted regulations, the following regulations apply to trout:

a. Open season is continuous.

b. A five-fish daily bag limit and ten-fish possession limit shall apply to any combination of brown trout, brook trout, rainbow trout, and their hybrids.

c. A trout fee is required to fish for and possess trout.

81.2(6) Exception border lakes. In Little Spirit Lake, Dickinson County; Iowa and Tuttle (Okamanpedan) Lakes, Emmet County; Burt (Swag) Lake, Kossuth County; and Iowa Lake, Osceola County, the following species have a continuous open season and daily bag and possession limits as set forth below:

a. Walleye—daily bag and possession limit 3;

b. Northern pike—daily bag and possession limit 3;

c. Largemouth and smallmouth bass—daily bag and possession limit 3;

d. Channel catfish—daily bag and possession limit 8;

e. Yellow perch—daily bag and possession limit 25;

f. Crappie species—combined daily bag and possession limit 25;

g. Sunfish (bluegill, pumpkinseed, green sunfish, orangespotted sunfish, longear sunfish, warmouth, and hybrids)—combined daily bag and possession limit 25;

h. Muskellunge—daily bag and possession limit one. Open season shall be May 21 through November 30. A 40-inch minimum length limit shall apply on all border lakes;

i. Spears and bow and arrow may be used to take carp, buffalo, bowfin, gar, freshwater drum, and quillback with a continuous open season;

j. All species not listed above are subject to the inland regulations of the state and have a continuous open season.

81.2(7) DeSoto Bend Lake. All fishers shall conform with federal refuge regulations as posted under the authority of 50 CFR Section 32.34(a) effective as of June 17, 2026. The text of the rules will be contained on the signs as posted.

81.2(8) General restriction. Anglers must comply with the most restrictive set of regulations applicable to the water on which they are fishing. Where length limits apply, fish less than the legal length must be immediately released into the water from which they were caught.

81.2(9) Catfish. For the purpose of this rule, stream catfish bag and possession limits apply at the federal flood control impoundments of Rathbun Lake, Red Rock Lake, Saylorville Lake, and Coralville Lake.

81.2(10) Identification of catch. No person shall transport or possess on any waters of the state any fish unless (a) the species of any such fish can be readily identified and a portion of the skin (at least 1 square inch) including scales is left on all fish or fillets and (b) the length of fish can be determined when length limits apply. "On any waters of the state" includes from the bank or shoreline in addition to wading and by boat.

81.2(11) Method of take. Artificial light may be used in the taking of any fish. The following species of fish may be taken by snagging, spearing, and bow and arrow: common carp, bighead carp, grass carp, silver carp, black carp, bigmouth buffalo, smallmouth buffalo, black buffalo, quillback, highfin carpsucker, river carpsucker, spotted sucker, white sucker, shorthead redhorse, golden redhorse, silver redhorse, freshwater drum, shortnose gar, longnose gar, dogfish, gizzard shad, and goldfish. All other species of fish not hooked in the mouth, except paddlefish legally taken by snagging, must be returned to the water immediately with as little injury as possible. Snagging is defined as the practice of jerking any type of hook or lure, baited or unbaited, through the water with the intention of hooking fish in an area other than the mouth. No hook larger than a 5/0 treble hook or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging. Exceptions to snagging as a method of take are as follows:

a. No snagging is permitted in the following areas:

(1) Des Moines River from directly below Saylorville Dam to the Southeast 14th Street bridge in Des Moines.

(2) Cedar River in Cedar Rapids from directly below the 5 in 1 Dam under Interstate 380 to the 1st Avenue bridge.

(3) Cedar River in Cedar Rapids from directly below the "C" Street Roller Dam to 300 yards downstream.

(4) Iowa River from directly below the Coralville Dam to 300 yards downstream.

(5) Chariton River from directly below Lake Rathbun Dam to 300 yards downstream.

(6) Spillway area from directly below the Spirit Lake outlet to the confluence at East Okoboji Lake.

(7) Northeast bank of the Des Moines River from directly below the Ottumwa Dam, including the catwalk, to the Jefferson Street Bridge. Snagging from the South Market Street Bridge is also prohibited.

(8) Missouri River, any Missouri River tributary beginning at its confluence and extending below its Interstate 29 bridge and the Big Sioux River from the Interstate 29 bridge to the confluence with the Missouri River, with the exception of snagging paddlefish or any of the species listed in 81.2(11) during the paddlefish open season.

(9) Des Moines River from directly below the Hydroelectric Dam (Big Dam) to the Hawkeye Avenue Bridge in Fort Dodge.

(10) Des Moines River from directly below the Little Dam to the Union Pacific Railroad Bridge in Fort Dodge.

(11) Skunk River from directly below Oakland Mills Dam to the downstream end of the 253rd Street boat ramp.

b. No snagging, bow and arrow fishing, or spearing of fish is permitted in the following areas:

(1) Clear Lake and Ventura Marsh from the Ventura Grade, Jetties and Bridge.

(2) Lost Island Lake Inlet within 300 feet of the concrete culvert and metal fish barrier.

(3) Lost Island Lake Outlet within 300 feet of the outlet structure and metal fish barrier.

(4) Barringer Slough Outlet within 300 feet of the outlet and metal fish barrier.

(5) The outlet area of Lower Gar Lake beginning at 230th Avenue and extending downstream to the signed Iowa Great Lakes Sanitary District property line.

81.2(12) Panfish. The daily bag limit for crappie and bluegill applies only to public waters of the state. In all waters of the Mississippi River, the daily bag and possession limit applied individually to crappie, yellow perch and rock bass shall be 25 and 50, respectively. In all waters of the Mississippi River, the daily bag and possession limit applied in the aggregate for bluegill and pumpkinseed and for white bass and yellow bass shall be 25 and 50, respectively.

81.2(13) Culling. It is prohibited to sort, cull, high-grade, or replace any fish already in possession. Participants in permitted black bass fishing tournaments are exempted, as are participants in catch and release catfish fishing tournaments if the participants are fishing from a boat with a functioning aerated or water-circulated live well. Any fish taken into possession by holding in a live well, on a stringer, or in other fish-holding devices is part of the daily bag limit. Once the daily bag limit of a particular species is reached, fishing for that species is permitted as long as all fish of that species caught are immediately released.

571—81.3(481A) Trotlines and throw lines.

81.3(1) *Where permitted.* It shall be lawful to use trotlines or throw lines in all rivers and streams of the state, except in Mitchell, Howard, Winneshiek, Allamakee, Fayette, Clayton, Delaware, Dubuque, and Jackson counties. Trotlines or throw lines may be used in the above nine counties in the following stream segments: Mississippi River; Maquoketa River, mouth to Backbone State Park Dam; North Fork Maquoketa River, mouth to Jones-Dubuque County line; Turkey River, mouth to the Elkader Dam; and Upper Iowa River, mouth to the first dam upstream in Winneshiek County.

81.3(2) *Removal of lines.* All trotlines and parts thereof shall be removed from the shore when not being actively fished. A trotline shall be considered actively fished if at least once daily the trotline is left with at least one baited hook in the water.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0272D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to commercial fishing

The Natural Resource Commission (Commission) hereby rescinds Chapter 82, "Commercial Fishing," Iowa Administrative Code, and adopts a new Chapter 82 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 482.1.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, 482.5 and 482.14.

Purpose and Summary

Chapter 82 allows for and regulates the commercial harvest of fishes from public waters. The Department of Natural Resources (Department) is directed to implement permits and regulate such harvest by the Iowa Code. The rules provide a transparent process for those who wish to bid on the limited commercial harvest opportunities on inland waters. The rules also contain regulations for commercial harvest from the border rivers, including designating those species that may be commercially harvested, size/length limits, open and closed seasons and locations, and gear and licensing requirements. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9914C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 82 and adopt the following **new** chapter in lieu thereof:

CHAPTER 82
COMMERCIAL FISHING

INLAND WATERS

571—82.1(482) Contract policy. All contracts for removal of fish from inland waters shall be awarded on a competitive basis to the maximum practical extent subject to the following provisions. Commercial fishers licensed with the state may enter into contract with owners of private water bodies for the removal of injurious fish provided approval is received from the director or staff of the department prior to any sampling or removal operations. Owners of private water bodies need not comply with 82.1(1) through 82.1(5).

82.1(1) *Invitation for bids.* Sealed bids must be solicited for all fish removal operations under contract. Prospective bidders shall be informed by an advertisement via the state's public solicitation portal in sufficient time to enable prospective bidders to prepare and submit bids. Specifications of the contract shall be provided to all prospective bidders as provided in the invitation for bids.

82.1(2) *Contract award.* The contract shall be awarded to the firm or individual whose bid is believed to be the most advantageous to the state. Bids may be rejected if they do not appear to be reasonable or if there is reason to believe that the firm or individual is not sufficiently qualified to accomplish the desired work.

82.1(3) *Contract approval.* All contracts for fish removal operations shall be approved by the director.

82.1(4) *Failure to receive a bid.* In the event that no sealed bids are received, the fisheries bureau chief or staff at the direction of the fisheries bureau chief may negotiate a contract with a qualified contractor.

82.1(5) *Contract period.* Contracts shall have a maximum duration of 12 months. A contract may be extended, with the mutual consent of both parties, on an annual basis for a period up to and including three years from the time of the original contract. All terms and conditions existing in the original contract will apply during the extended contract period.

MISSISSIPPI AND MISSOURI RIVERS

571—82.2(482) Commercial taking. Fish may be taken for commercial purposes from the Mississippi and Missouri Rivers subject to the following regulations.

82.2(1) *Permissive catch.* Except for channel catfish, flathead catfish, and shovelnose sturgeon, which cannot be taken from the Missouri River, it shall be lawful to take with licensed commercial fishing gear the following species: carp, smallmouth buffalo, largemouth buffalo, black buffalo, channel catfish, flathead catfish, black bullhead, yellow bullhead, brown bullhead, freshwater drum, northern redhorse, silver redhorse, spotted sucker, white sucker, river carpsucker, quillback, highfin carpsucker, grass carp, bighead carp, silver carp, shovelnose sturgeon, longnose gar, shortnose gar, bowfin, gizzard shad, goldeye, and mooneye.

82.2(2) *Size limits.* Fish shorter than a minimum length or longer than the maximum length shall be returned to the water unharmed. The minimum total length for all catfish is 15 inches. The minimum fork length for shovelnose sturgeon, measured from the tip of the snout to the fork of the tail, is 27 inches. No shovelnose sturgeon longer than 34 inches fork length may be harvested from waters of the Mississippi River bordering Wisconsin. No shovelnose sturgeon less than 27 inches fork length may be possessed in Iowa waters.

82.2(3) *Permitted gear.* Hoop nets, trap nets (fyke nets), gill nets, trammel nets, slat nets (basket traps), seines, and trotlines (setlines) may be used by licensed commercial fishers.

82.2(4) *Mesh size restrictions.*

a. *Hoop nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided within 12 inches beyond the last hoop to the tail-line.

b. *Trap nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided within 12 inches beyond the last hoop to the tail-line.

c. *Gill nets.* The webbing shall have a mesh size not less than 3½ inches square measure.

d. *Trammel nets.* The webbing shall have a mesh size not less than 2 inches square measure.

e. *Seines.* There are no mesh size restrictions.

f. *Slat nets.* An escape hole with a minimum diameter of 1½ inches all directions shall be provided in the end opposite the throat.

82.2(5) *Gear attendance.* All commercial gear shall be lifted and emptied of catch at the following time intervals, except during periods of inclement weather. Inclement weather is defined as that threatening to life, health, or safety.

a. Hoop nets shall be attended at least once every 96 hours and slat nets at least once every 48 hours during open water conditions. Hoop nets shall be attended at least once every 20 days during ice cover conditions.

b. Trap nets and trotlines shall be attended at least once every 24 hours.

c. Gill nets and trammel nets shall be attended at least once every 24 hours during open water conditions and at least once every 96 hours during ice cover conditions.

82.2(6) *Report of catch.* Licensed commercial fishers must comply with the reporting requirements as set forth in Iowa Code section 482.14.

82.2(7) *Duplicate operator's license.* An owner making a request for a duplicate operator's license will be issued one only after records show the owner has purchased a limit of five operator's licenses. The duplicate helper's license will be issued to one individual and is not transferable. The issuing fee is $1.

82.2(8) *Seasons.* There is a continuous open season for commercial fishing of all species listed in 82.2(1), except there is a closed season for shovelnose sturgeon from May 16 through October 14. No shovelnose sturgeon may be harvested from gear set prior to midnight on October 15.

82.2(9) *Special shovelnose and bowfin regulations.* Shovelnose sturgeon and bowfin must remain intact until the fish reach the final processing facility or business. For the purposes of this subrule, a final processing facility does not include vessels or vehicles.

82.2(10) *Closed areas.* The use of entanglement gear, including gill and trammel nets, is prohibited from that area extending 600 feet downstream of the 900-foot existing closed areas (Iowa Code section 482.9(2)) located below each of the locks and dams on the Mississippi River. Shovelnose sturgeon caught in entanglement gear within 600 feet of the mouth of any stream or tributary shall be returned to the water unharmed.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, 482.5, and 482.14.

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ARC 0273D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to rough fish

The Natural Resource Commission (Commission) hereby rescinds Chapter 83, "Scuba and Skin Spearing of Rough Fish," Iowa Administrative Code, and adopts a new Chapter 83 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39 and 481A.67.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, 482.5 and 482.14.

Purpose and Summary

Chapter 83 authorizes the taking of rough fish by scuba and skin divers. The chapter contains provisions designating off-limits areas and allowable and not-allowable gear and requiring the use of a diver's flag. These requirements are to ensure public and diver safety. The Iowa Code requires that these activities be authorized via rulemaking, so this chapter is necessary for these recreational activities to be lawful in Iowa. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9915C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 83 and adopt the following **new** chapter in lieu thereof:

CHAPTER 83
SCUBA AND SKIN SPEARING OF ROUGH FISH

571—83.1(481A) When permitted. The spearing of rough fish by scuba and skin divers will be permitted in accordance with the following seasons and rules.

571—83.2(481A) Prohibited areas. Scuba and skin spearing for rough fish shall be lawful in all natural lakes and state-owned meandered streams in Iowa year-round.

83.2(1) Scuba and skin spearing shall be permitted in streams or impoundments on private land where access is permitted by owner or lessee.

83.2(2) Scuba and skin spearing is prohibited in all state-owned artificial lakes.

83.2(3) Scuba and skin spearing is prohibited in all state-owned strip mines, county conservation board areas and fish and game management areas where posted as such.

83.2(4) Scuba and skin spearing is prohibited within 100 feet of any swimming beach area.

83.2(5) A valid fishing license shall be required of all individuals engaged in scuba and skin spearing unless the individual is exempt under the provisions of Iowa Code section 483A.17.

571—83.3(481A) Permitted equipment. Permitted equipment to be used in scuba and skin spearing shall be:

1. Hand and pole spears.
2. Spear guns powered by rubber bands, springs, or pneumatically powered springs.
3. If used on powered spear guns, attached to the gun by a cord lanyard or other device.

The overall length of spear gun and cord shall not exceed 20 feet.

571—83.4(481A) Prohibited equipment.

1. No power or exploding spear heads will be permitted.
2. No guns powered by gunpowder explosive or explosives or compressed gas will be permitted.

571—83.5(481A) Diver's flag. The "International Diver's Flag" shall be displayed by each diver or group of divers on a buoy, float or boat during any underwater spear fishing activity. The diver or group of divers must stay within a 100-foot circle of the flag.

571—83.6(481A) Employees exempt. Underwater scuba and skin spearing regulations shall not apply to authorized agents of the department of natural resources when engaged in research or management studies or enforcement.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.67.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0274D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to promiscuous fishing

The Natural Resource Commission (Commission) hereby rescinds Chapter 84, "Promiscuous Fishing," Iowa Administrative Code, and adopts a new Chapter 84 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39 and 481A.76.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38 and 481A.76.

Purpose and Summary

Chapter 84 regulates the taking of imperiled fish populations by licensed anglers. "Imperiled" refers to situations where there is an imminent danger of fish loss (die off) through natural causes. This chapter allows the Commission to issue an order allowing the public to salvage these fish before they die and go to waste by authorizing more permissive methods of take than are generally allowed. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9906C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 84 and adopt the following **new** chapter in lieu thereof:

CHAPTER 84
PROMISCUOUS FISHING

571—84.1(481A) General. The natural resource commission may, after an investigation, when it is found there is imminent danger of loss of fish through natural causes, authorize by public order the taking of fish from any area and by such means as the commission may deem advisable to salvage such imperiled fish populations.

84.1(1) *Method of take.* Fish may be taken by any means except by use of dynamite, poison, electric shocking devices or any stupefying substances.

84.1(2) *Commercial purposes.* This rule shall not authorize the taking of fish for commercial purposes.

This rule is intended to implement Iowa Code chapter 481A.

[Filed 4/17/26, effective 6/17/26]
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ARC 0275D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to turtles

The Natural Resource Commission (Commission) hereby rescinds Chapter 86, "Turtles," Iowa Administrative Code, and adopts a new Chapter 86 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39, 481A.67, 482.1, 482.5 and 482.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, 481A.67, 482.1, 482.4, 482.5 and 482.11.

Purpose and Summary

Chapter 86 regulates the taking and possession of turtles from the waters of the State. These regulations ensure a sustainable harvest, which protects turtle populations from overharvest. This is accomplished by providing daily catch and possession limits, providing gear and method of take provisions, and designating open season dates. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9905C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 86 and adopt the following **new** chapter in lieu thereof:

CHAPTER 86
TURTLES

571—86.1(481A,482) Harvesting. Turtles may be harvested from waters of the state subject to the following regulations.

86.1(1) *Species and season.* It shall be lawful to commercially and noncommercially (recreationally) harvest spiny softshell *Apalone spinifera*, smooth softshell *Apalone mutica*, and painted *Chrysemys picta* turtles from July 16 through May 14. Common snapping turtles *Chelydra serpentina* may be harvested commercially from July 16 through May 14 and recreationally year-round. Harvesting turtle eggs from wild nests is prohibited. Turtles shall not be harvested from gear set prior to midnight on July 15.

86.1(2) *Methods.* Harvest of turtles shall only be by hand, turtle hook, turtle trap, licensed commercial fishing gear in the Mississippi and Missouri Rivers only, and hook-and-line. Turtle traps shall be constructed with no more than one throat or funneling device. The last hoop to the tail-line of turtle traps shall have an unobstructed, functional escape hole with a minimum diameter in all directions of 7½ inches to allow passage of fish and small turtles. Barrel- and floating-type turtle traps must also meet the unobstructed, functional escape hole criterion.

86.1(3) *Daily catch and possession limits.*

a. The following daily catch limits apply to commercial and recreational harvesters, while the possession limits apply only to commercial harvesters:

Turtle Species	Daily Catch Limit (commercial and recreational)	Possession Limit (commercial only)
Common snapping turtle	4	20
Spiny softshell and smooth softshell turtle, in aggregate	1	5
Painted turtle	1	5

b. The possession limit for recreational harvesters is a maximum of 100 pounds of live turtles or 50 pounds of dressed turtles pursuant to Iowa Code section 483A.28. A recreational harvester's daily catch limit shall not exceed this possession limit.

86.1(4) *Culling.* It is unlawful to sort, cull, high-grade, or otherwise replace any turtle in possession.

86.1(5) *Tags.* All harvesters shall affix a weather-resistant gear tag above the waterline to each piece of gear. The gear tag must plainly show the name, address, and license number of the licensee.

86.1(6) *Gear attendance.* All turtle traps shall be set with the top of the trap visible above the waterline at all times and shall be checked and completely emptied of catch at least once every 72 hours. When a trap is checked, turtles shall either be taken into possession up to the daily catch limit or immediately released.

86.1(7) *Exclusions.* Iowa Code chapter 482 does not apply to turtles taken and imported from outside the state. The boundary waters are considered to be within the state.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67, 482.1, 482.4, 482.5, and 482.11.

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ARC 0276D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to mussel regulations

The Natural Resource Commission (Commission) hereby rescinds Chapter 87, "Mussel Regulations," Iowa Administrative Code, and adopts a new Chapter 87 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39, 482.1 and 482.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, 482.1, 482.3 and 483A.28.

Purpose and Summary

Chapter 87 regulates the taking and possession of mussels. Methods of take, open and closed locations and hours, possession limits, and licensing requirements are provided to ensure use of the resource in a sustainable manner. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9903C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 87 and adopt the following **new** chapter in lieu thereof:

CHAPTER 87
MUSSEL REGULATIONS

571—87.1(481A) Seasons, areas, methods, species, limits. The taking and possession of mussels from the public waters of the state shall be limited to the following regulations.

87.1(1) *Seasons.* There shall be an open season for taking mussels throughout the year. The taking of mussels is restricted to the hours between sunrise and sunset.

87.1(2) *Species.* Species other than those listed as threatened or endangered may be lawfully taken and possessed. Zebra mussels shall not be taken and possessed.

87.1(3) *Areas.* Live mussels may be harvested only from the Mississippi River and connected backwaters. Dead mussels may be harvested from all waters of the state.

87.1(4) *Limits.* The possession limit is 24 whole mussels or 48 shell halves. The sale of mussels or shells is not permitted. Licensed commercial fishers, licensed sport anglers, and children younger than 16 years of age may take and possess mussels.

87.1(5) *Methods.* Mussels may be taken by hand, pole and line, diving, and crowfoot bar not to exceed 20 feet in length.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, 482.1, 482.3 and 483A.28.

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ARC 0277D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to aquaculture

The Natural Resource Commission (Commission) hereby rescinds Chapter 89, "Aquaculture," Iowa Administrative Code, and adopts a new Chapter 89 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.142 and 481A.143.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.142 and 481A.143 and Executive Order 10.

Purpose and Summary

Chapter 89 regulates the sale and propagation of fish, reptiles, and amphibians within the aquaculture industry. The rules include a list of species that are approved for use in aquaculture and a list of diseases that require monitoring and reporting. Additional provisions allow for the permitting of species not on the approved list, while prohibiting the possession and importation of certain species. These rules are intended to reduce the risk of invasive species introductions or the spread of disease from captive to wild populations. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9904C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 89 and adopt the following **new** chapter in lieu thereof:

CHAPTER 89
AQUACULTURE

571—89.1(481A) Approved aquaculture species. The following approved aquaculture species may be propagated and sold:

FISH

American Eel	*Anguilla rostrata*
Banded Darter	*Etheostoma zonale*
Banded Killifish	*Fundulus diaphanus*
Bigmouth Buffalo	*Ictiobus cyprinellus*
Bigmouth Shiner	*Ericymba dorsalis*
Black Buffalo	*Ictiobus niger*
Black Bullhead	*Ameiurus melas*
Black Crappie	*Pomoxis nigromaculatus*
Blackchin Shiner	*Miniellus heterodon*
Blacknose Dace	*Rhinicthys atratulus*
Blackside Darter	*Percina maculata*
Blackstripe Topminnow	*Fundulus notatus*
Blue Catfish	*Ictalurus furcatus*
Blue Sucker	*Cycleptus elongatus*
Bluegill and Hybrids	*Lepomis macrochirus*
Bluntnose Minnow	*Pimephales notatus*
Bowfin	*Amia calva*
Brassy Minnow	*Hybognathus hankinsoni*
Brook Silverside	*Labidesthes sicculus*
Brook Stickleback	*Culaea inconstans*
Brook Trout	*Salvelinus fontinalis*
Brown Bullhead	*Ameiurus nebulosus*
Brown Trout	*Salmo trutta*
Bullhead Minnow	*Pimephales vigilax*
Central Mudminnow	*Umbra limi*
Central Stoneroller	*Campostoma anomalum*
Channel Catfish	*Ictalurus punctatus*
Common Carp	*Cyprinus carpio*
Common Shiner	*Luxilus cornutus*
Creek Chub	*Semotilus atromaculatus*
Crystal Darter	*Crystallaria asprella*
Emerald Shiner	*Notropis atherinoides*
Fantail Darter	*Etheostoma flabellare*
Fathead Minnow and Hybrids	*Pimephales promelas*
Flathead Catfish	*Pylodictis olivaris*
Flathead Chub	*Platygobio gracilis*
Freshwater Drum	*Aplodinotus grunniens*
Ghost Shiner	*Paranotropis buchanani*
Gilt Darter	*Percina evides*
Gizzard Shad	*Dorosoma cepedianum*
Golden Redhorse	*Moxostoma erythrurum*
Golden Shiner	*Notemigonus crysoleucas*
Goldeye	*Hiodon alosoides*
Goldfish	*Carassius auratus*
Grass Carp	*Ctenopharyngodon idella*
Gravel Chub	*Erimystax x-punctatus*

Greater Redhorse	*Moxostoma valenciennesi*
Green Sunfish	*Lepomis cyanellus*
Highfin Carpsucker	*Carpiodes velifer*
Hornyhead Chub	*Nocomis biguttatus*
Iowa Darter	*Etheostoma exile*
Ironcolor Shiner	*Alburnops chalybaeus*
Johnny Darter	*Etheostoma nigrum*
Lake Chub	*Couesius plumbeus*
Largemouth Bass	*Micropterus salmoides*
Largescale Stoneroller	*Campostoma oligolepis*
Longear Sunfish	*Lepomis megalotis*
Longnose Dace	*Rhinichthys cataractae*
Longnose Gar	*Lepisosteus osseus*
Mimic Shiner	*Paranotropis volucellus*
Mississippi Silvery Minnow	*Hybognathus nuchalis*
Mooneye	*Hiodon tergisus*
Western Mosquitofish	*Gambusia affinis*
Mottled Sculpin	*Cottus bairdii*
Mud Darter	*Etheostoma asprigene*
Muskellunge and Hybrids	*Esox masquinongy*
Northern Hog Sucker	*Hypentelium nigricans*
Logperch	*Percina caprodes*
Northern Pike	*Esox lucius*
Rock Bass	*Ambloplites rupestris*
Orangespotted Sunfish	*Lepomis humilis*
Ozark Minnow	*Miniellus nubilus*
Pallid Shiner	*Hybopsis amnis*
Pirate Perch	*Aphredoderus sayanus*
Plains Minnow	*Hybognathus placitus*
Plains Topminnow	*Fundulus sciadicus*
Pugnose Minnow	*Opsopoeodus emiliae*
Pumpkinseed	*Lepomis gibbosus*
Quillback	*Carpiodes cyprinus*
Rainbow Darter	*Etheostoma caeruleum*
Rainbow Smelt	*Osmerus mordax*
Rainbow Trout	*Oncorhynchus mykiss*
Red Shiner	*Cyprinella lutrensis*
Redear Sunfish and Hybrids	*Lepomis microlophus*
Redfin Shiner	*Lythrurus umbratilis*
Redside Dace	*Clinostomus elongatus*
River Carpsucker	*Carpiodes carpio*
River Darter	*Percina shumardi*
River Redhorse	*Moxostoma carinatum*
River Shiner	*Alburnops blennius*
Rosyface Shiner	*Notropis rubellus*
Sand Shiner	*Miniellus stramineus*

Sauger and Hybrids	*Sander canadensis*
Shorthead Redhorse	*Moxostoma macrolepidotum*
Shortnose Gar	*Lepisosteus platostomus*
Shovelnose Sturgeon	*Scaphirhynchus platorynchus*
Sicklefin Chub	*Macrhybopsis meeki*
Silver Chub	*Macrhybopsis storeriana*
Silver Lamprey	*Ichthyomyzon unicuspis*
Silver Redhorse	*Moxostoma anisurum*
Silverband Shiner	*Paranotropis shumardi*
Skipjack Herring	*Alosa chrysochloris*
Slender Madtom	*Noturus exilis*
Slenderhead Darter	*Percina phoxocephala*
Slimy Sculpin	*Cottus cognatus*
Smallmouth Bass	*Micropterus dolomieu*
Smallmouth Buffalo	*lctiobus bubalus*
Southern Redbelly Dace	*Chrosomus erythrogaster*
Speckled Chub	*Macrhybopsis aestivalis*
Spotfin Shiner	*Cyprinella spiloptera*
Spottail Shiner	*Hudsonius hudsonius*
Spotted Bass	*Micropterus punctulatus*
Spotted Sucker	*Minytrema melanops*
Starhead Topminnow	*Fundulus dispar*
Stonecat	*Noturus flavus*
Striped Bass and Hybrids	*Morone saxatilis*
Sturgeon Chub	*Macrhybopsis gelida*
Suckermouth Minnow	*Phenacobius mirabilis*
Tadpole Madtom	*Noturus gyrinus*
Topeka Shiner	*Miniellus topeka*
Trout-perch	*Percopsis omiscomaycus*
Walleye and Hybrids	*Sander vitreus*
Warmouth	*Lepomis gulosus*
Western Silvery Minnow	*Hybognathus argyritis*
White Bass and Hybrids	*Morone chrysops*
White Crappie	*Pomoxis annularis*
White Sucker	*Catostomus commersonii*
Yellow Bass	*Morone mississippiensis*
Yellow Bullhead	*Ameiurus natalis*
Yellow Perch	*Perca flavescens*

AMPHIBIANS

Bullfrog	*Lithobates catesbeianus*
Leopard Frog	*Lithobates pipiens*

REPTILES

Common Snapping Turtle	*Chelydra serpentina serpentina*
Painted Turtle	*Chrysemys picta*
Smooth Softshell	*Apalone mutica*

571—89.2(481A) Importation permit. An importation permit is required to receive, propagate or sell in the state any aquaculture species not listed in 571—89.1(481A). In addition, aquaculture units shall not import live fish, viable eggs, or semen of any species of the salmonid family (trout, salmon or char) and ictalurid family (catfishes and bullheads) unless the owner or operator possesses a fish importation permit. Importation permits may be applied for on forms provided by the department.

571—89.3(481A) Disease-free certification. Importation permits will not be issued for live fish, viable eggs, or semen of any species of the salmonid family (trout, salmon or char) unless the owner or operator of an aquaculture unit provides a statement certifying the fish, eggs or semen to be free of the following diseases.

89.3(1) *Diseases detrimental to the state's fishery resources.*

Viral Hemorrhagic Septicemia (VHS)
Infectious Pancreatic Necrosis (IPN)
Whirling Disease (*Myxosoma cerebralis*)
Infectious Hematopoietic Necrosis (IHN)
Ceratomyxosis (*Ceratomyxa shasta*)
Bacterial Kidney Disease (*R. salmoninarium*)
Proliferative Kidney Disease (PKD)
Enteric Redmouth (*Yersinia ruckeri*)
Vibriosis (*vibrio sp.*)

89.3(2) *Reportable diseases.* Reportable diseases are detrimental to individual aquaculture units and may be detrimental to wild fish populations. Reportable diseases are Enteric Septicemia of Catfish (*Edwardsiella ictaluri*) (ESC), Channel Catfish Virus Disease (CCVD) and Furunculosis (*Aeromonas salmonicida*). Disease certification statements are required for the diseases prior to importation of any live fish, viable eggs, or semen of any species of the Ictalurid (catfishes and bullheads) and Salmonid (trout, salmon and char) families. Importation permits will be considered on a case-by-case basis for fish with reportable diseases.

89.3(3) *Certified pathologists for inspection.* All disease certification statements must be issued by approved certified pathologists. A list of approved certified pathologists will be made available to the owner or operator of the aquaculture unit requesting a fish importation permit.

These rules are intended to implement Iowa Code sections 481A.142 and 481A.143.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0278D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to aquatic invasive species

The Natural Resource Commission (Commission) hereby rescinds Chapter 90, "Aquatic Invasive Species," Iowa Administrative Code, and adopts a new Chapter 90 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 456A.37.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 456A.37.

Purpose and Summary

Chapter 90 contains restrictions related to aquatic invasive species and provides a list of those species. The purpose of this chapter is to prevent introductions of invasive species and limit the spread of invasive species that have already been detected in Iowa. Aquatic invasive species can negatively impact native species; interfere with recreational activities, such as boating and fishing; and interfere with water supply infrastructure. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9917C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 90 and adopt the following **new** chapter in lieu thereof:

CHAPTER 90
AQUATIC INVASIVE SPECIES

571—90.1(456A) Definitions. As used in this chapter:

"Commission" means the natural resource commission.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources.

"Introduce" means to release a species into waters of the state. "Introduce" does not include the immediate return of a nonnative species to waters of the state from which it was removed.

"Transport" means to move a species into or within the state and includes accepting or receiving the species for transportation or shipment. "Transport" does not include the unintentional transport of a species within a water of the state or to a connected water of the state where the species being transported is already present.

"Watercraft" means a device used or designed for navigation on water.

571—90.2(456A) Aquatic invasive species. For the purposes of this rule, the following species and any hybrids, cultivars, or varieties of the species are designated as aquatic invasive species.

90.2(1) *Aquatic invasive plants.*

Brittle naiad	*Najas minor*
Curlyleaf pondweed	*Potamogeton crispus*
Eurasian watermilfoil	*Myriophyllum spicatum*
Flowering rush	*Butomus umbellatus*
Purple loosestrife	*Lythrum salicaria, Lythrum virgatum*
Salt cedar	*Tamarix spp.*

90.2(2) *Aquatic invasive fish.*

Bighead carp	*Hypophthalmichthys nobilis*
Black carp	*Mylopharyngodon piceus*
Round goby	*Neogobius melanostomus*
Rudd	*Scardinius erythrophthalmus*
Ruffe	*Gymnocephalus cernuus*
Silver carp	*Hypophthalmichthys molitrix*
White perch	*Morone americana*

90.2(3) *Aquatic invasive invertebrates.*

Fishhook waterflea	*Cercopagis pengoi*
New Zealand mudsnail	*Potamopyrgus antipodarum*
Quagga mussel	*Dreissena bugensis*
Rusty crayfish	*Orconectes rusticus*
Spiny waterflea	*Bythotrephes cederstroemi*
Zebra mussel	*Dreissena polymorpha*

90.2(4) *Federal noxious weed list.* For purposes of this rule, the aquatic plants listed in 7 CFR Section 360.200 as amended to June 17, 2026, are also designated as aquatic invasive species.

90.2(5) *Injurious wildlife species.* For purposes of this rule, aquatic species listed in 50 CFR Sections 16.11 through 16.15 as amended to June 17, 2026, are also designated as aquatic invasive species.

571—90.3(456A) Restrictions.

90.3(1) A person shall not possess, introduce, import, purchase, sell, barter, propagate, or transport aquatic invasive species in any form in this state, except:

a. By written permission of the director;

b. For disposal as part of a harvest or control activity;

c. When a species is being transported to the department, or to another destination as directed by the department, in a sealed container for purposes of identifying the species or reporting the presence of the species;

d. When the specimen has been lawfully acquired dead and, in the case of plant species, when all seeds are removed or are otherwise secured in a sealed container;

e. In the form of herbaria or other preserved specimens;

f. When a species is being removed from watercraft and equipment or when a species is caught by an angler and immediately returned to the water from which it came; or

g. When an individual angler possesses a species that has been caught and immediately killed.

90.3(2) A conservation officer, other licensed peace officer, or employee of the department may seize or dispose of all specimens of aquatic invasive species unlawfully possessed, introduced, imported, purchased, sold, bartered, propagated, or transported in the state.

571—90.4(456A) Infested waters.

90.4(1) *Designation of infested waters.* The department will designate infested waters of the state and publish the names of infested waters in the fishing regulations brochure and on the department webpage, www.iowadnr.gov/programs-services/aquatic-invasive-species, and will provide notice through other available means where practical. At any time, the department may designate additional waters or remove from designation those waters that are no longer infested.

90.4(2) *Restricted activities on infested waters.* The department may restrict boating, fishing, swimming, and trapping in infested waters of the state. When determining when to restrict activities in infested waters, the department will consider:

a. The extent of a species' distribution within the state;

b. The likely means of spread for a new species; and

c. Whether restrictions specific to infested waters containing a specific species will effectively reduce that species' spread.

These rules are intended to implement Iowa Code section 456A.37.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0279D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to captive-reared waterfowl

The Natural Resource Commission (Commission) hereby rescinds Chapter 93, "Commercial Use of Captive-Reared Waterfowl," Iowa Administrative Code, and adopts a new Chapter 93 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 455A.5(6)"a," 481A.55, 481A.126 and 484B.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.55, 481A.126 and 484B.8 and 50 CFR 21.63.

Purpose and Summary

Chapter 93 establishes the commercial use of captive-reared waterfowl and the regulations that apply. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9918C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 2, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 93 and adopt the following **new** chapter in lieu thereof:

CHAPTER 93
COMMERCIAL USE OF CAPTIVE-REARED WATERFOWL

571—93.1(481A) General. Nothing in this chapter authorizes the taking of live waterfowl or their eggs from the wild.

571—93.2(481A) Required markings. All waterfowl released for shooting purposes or sold by a licensed taxidermist must be captive-reared and marked pursuant to Iowa Code section 481A.22 and these rules.

571—93.3(481A) Definitions.

"Bred in captivity" or *"captive-reared"* means waterfowl, including eggs hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

"Captivity" means that live waterfowl are held in a controlled environment that is intensively manipulated by man for the purpose of producing waterfowl of selected species, and that has boundaries designed to prevent waterfowl, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

"Form 3-186" means the U.S. Fish and Wildlife Service form titled "Notice of Transfer or Sale of Migratory Waterfowl."

"Waterfowl" means any goose, brant, or duck.

571—93.4(484B) Marked for shooting. All waterfowl released for shooting purposes shall be physically marked by removal of the hind toe from the right foot at not more than four weeks of age.

571—93.5(481A) Commercial sale of captive-reared waterfowl by a taxidermist.

93.5(1) Taxidermist permit required. No person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any reason other than personal use without a taxidermist permit.

93.5(2) In addition to the records required by Iowa Code section 481A.126, the permittee must maintain files containing the original of federal Form 3-186 as required by 50 CFR 21.63 (as amended through May 6, 2025). Properly marked, captive-reared mallards are exempt from this requirement.

93.5(3) All captive-reared waterfowl being purchased or held by a taxidermist for mounting and resale shall have been physically marked by at least one of the following methods:

a. Removal of the hind toe from the right foot.

b. Pinioning of a wing by the removal of the metacarpal bones of one wing or a portion of the metacarpal bones, which renders the bird permanently incapable of flight.

c. Banding of one metatarsus with a seamless metal band.

d. Tattooing of a readily discernible number or letter or combination thereof on the web of one foot.

93.5(4) When any mounted captive-bred waterfowl (except captive-reared, properly marked mallards) are acquired from a taxidermist, the taxidermist shall furnish a copy of federal Form 3-186, indicating all information required by the form and the method or methods by which individual birds are marked as required in 93.5(3).

93.5(5) The buyer shall retain Form 3-186 on file for the duration of the buyer's possession of such mounted, captive-reared waterfowl.

These rules are intended to implement Iowa Code sections 481A.55, 481A.126, and 484B.8.

[Filed 4/17/26, effective 6/17/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0280D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to game harvest reporting and landowner-tenant registration

The Natural Resource Commission (Commission) hereby rescinds Chapter 95, "Game Harvest Reporting and Landowner-Tenant Registration," Iowa Administrative Code, and adopts a new Chapter 95 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.8, 483A.8A and 483A.24.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.8, 483A.8A and 483A.24 and Executive Order 10.

Purpose and Summary

Chapter 95 establishes the harvest reporting process for deer and turkey hunters and the eligibility verification process for free landowner or tenant licenses. The chapter has been reviewed and edited consistent with Executive Order 10. The chapter includes two new methods for hunters to report harvests, making a total of five methods available to hunters to increase efficiency and convenience.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9924C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 2, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 95 and adopt the following **new** chapter in lieu thereof:

CHAPTER 95
GAME HARVEST REPORTING AND LANDOWNER-TENANT REGISTRATION

571—95.1(481A) Harvest reporting system. Deer and turkey hunters must report each deer and wild turkey harvested to the department of natural resources (DNR) harvest reporting system. The hunter whose name is on the transportation tag is responsible for making the report. Hunters who do not bag a deer or wild turkey do not report.

95.1(1) *Reporting deadlines for deer and turkey.* A harvest report must be made by midnight on the day after the animal is tagged or before the animal is taken to a locker or taxidermist, is processed for consumption, or is transported out of state, whichever occurs first.

95.1(2) *Method of reporting.* Hunters may report the harvest in one of five ways:

a. Through the electronic licensing system for Iowa (ELSI) application.

b. By texting the registration number to 1.800.771.4692 and following the prompts.

c. By calling the DNR toll-free harvest reporting telephone number at 1.800.771.4692.

d. By reporting through the internet using the DNR online harvest reporting system.

e. By visiting an ELSI license agent during the license agent's normal business hours.

95.1(3) *Report confirmation.* The hunter will be given a confirmation number to write on the harvest report tag to verify that the hunter has reported the kill. The harvest report tag and confirmation number must remain attached to the deer or wild turkey until the deer or wild turkey is processed for consumption.

571—95.2(481A) Verifying eligibility for free landowner or tenant licenses. Eligibility for free and reduced-fee deer and wild turkey hunting licenses, hereafter referred to as free licenses, is defined in Iowa Code section 483A.24 and 571—98.6(483A) and 571—106.17(481A). The ELSI will not issue free licenses to persons who have not registered their eligibility with ELSI.

95.2(1) *Farm unit.* As provided in 571—subrule 106.17(6), all the land under the lawful control of the landowner or tenant is considered one farm unit no matter how it is subdivided for business purposes. No one may be registered as eligible for free licenses on more than one farm unit. Registering on one parcel of land within the farm unit will allow the landowner, tenant or family member to hunt on all land in the farm unit.

95.2(2) *Who may obtain free licenses.* One member of the landowner family (the landowner or an eligible family member) may obtain a free any-deer license. Members of the landowner family may divide the free antlerless-deer-only licenses for which the family is eligible among themselves in any way they choose. If there is a tenant on the same property, one member of the tenant family (the tenant or an eligible family member) may also obtain a free any-deer license. Members of the tenant family may divide the free antlerless-deer-only licenses for which they may be eligible among themselves in any way they choose. One member of the landowner family and one member of the tenant family may each obtain one free spring turkey hunting license and one free fall turkey hunting license.

95.2(3) *Method of registration.* A landowner or tenant may register on the internet through ELSI or by mailing an affidavit obtained from DNR. The online system is available 24 hours a day, seven days a week. An online registrant may obtain a free license once the registration process is complete. A person who registers through the mail or by fax may have to wait up to ten business days after the form is received by DNR to obtain a free license.

95.2(4) *Information verifying eligibility.* In order to register, a landowner, tenant or qualifying family member must have a customer record in ELSI. When registering, landowners, tenants and family members will be required to provide their ELSI customer number or their Iowa driver's license number or social security number and their date of birth to identify their ELSI customer record.

a. Landowners. A landowner shall provide the parcel identification number (PIN) from the landowner's current property tax statement for one parcel of qualifying land owned by the landowner and the number of the county where the land is located. Qualifying family members shall be registered to the same parcel of qualifying land as the landowner.

b. Partnerships, corporations or other forms of joint land ownership. Each owner of a jointly owned farm unit and the owner's qualifying family members who wish to receive free licenses for that farm unit shall register with the same county number and PIN. Only one joint owner or family member may obtain the one any-deer license available for the farm unit. The other joint owner(s) and family members may divide any other free licenses to which they are entitled among themselves in any way they choose.

c. Tenants. A tenant shall provide an affidavit that contains the name, address, and telephone number of the owner of the qualifying land rented by the tenant; the county number where the land is located; and the landowner's PIN from one parcel of that qualifying land. If a tenant rents land from more than one landowner, the tenant shall provide the required information about only one landowner. The tenant's qualifying family members shall be registered to the same parcel of qualifying land as the tenant.

d. Signature required. Pursuant to Iowa Code section 483A.24(2)*"f,"* all affidavits submitted to register eligibility for free licenses shall bear the signature of the landowner, tenant, or family member attesting that the information contained therein is true.

95.2(5) *Forms.* Instructions and affidavits may be obtained online at www.iowadnr.gov, at DNR offices, or by calling 515.725.8200.

95.2(6) *Registration expiration and renewal.* A registered landowner, tenant, or eligible family member may obtain free licenses as allowed in 95.2(2) provided the registration information and eligibility status remain valid. If the registration information or eligibility status of a registered landowner, tenant, or eligible family member changes, that individual must mail a DNR affidavit form or contact the DNR by telephone. The DNR will periodically review registration information to verify eligibility status and will inactivate registrations when the registration information fails to indicate eligibility.

95.2(7) *Penalties.* Free licenses will not be issued to an applicant until a legible and complete affidavit is received by DNR. An illegible or incomplete affidavit will be returned to the applicant for correction. A person who has made a false attestation in obtaining a license in violation of Iowa Code section 483A.24(2)*"f"* shall be guilty of a simple misdemeanor and subject to license revocation as provided in Iowa Code sections 483A.21 and 483A.24(2)*"f"* and 571—subrule 106.8(3).

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7, 483A.8, 483A.8A, and 483A.2.

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ARC 0281D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to wild turkey hunting

The Natural Resource Commission (Commission) hereby amends Chapter 98, "Wild Turkey Hunting," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24 and 2025 Iowa Acts, Senate File 148.

Purpose and Summary

Chapter 98 governs spring and fall wild turkey hunting by residents and nonresidents. Four amendments are adopted to implement 2025 Iowa Acts, Senate File 148, which removed the requirement that a landowner or tenant, as defined by Iowa Code chapter 483A, select a method of take and instead makes resident turkey hunting licenses valid until filled during the applicable time of year.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9888C**. A public hearing was held on the following date(s):

- January 28, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **98.1(1)"d"** as follows:

d. Number of fall licenses. No one may apply for or obtain more than two wild turkey fall hunting licenses. ~~A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. One license of either type may be free to eligible landowners or tenants.~~

ITEM 2. Amend subrule 98.2(4) as follows:

98.2(4) *Archery-only licenses.* The total number of available fall archery-only licenses shall not be limited by zones or quotas.

ITEM 3. Amend subrule 98.2(5) as follows:

98.2(5) *Landowner/tenant licenses.* The total number of available fall landowner/tenant licenses shall not be limited by zones or quotas.

ITEM 4. Amend subrule 98.3(2) as follows:

98.3(2) Landowner/tenant licenses. An eligible resident landowner or tenant may obtain ~~a combination shotgun-or-archery license or a~~ one free ~~archery-only~~ spring turkey license or one free fall turkey license that is valid until filled using an appropriate method of take as defined for the season and only on the farm unit of the landowner or tenant. One combination shotgun-or-archery license or one archery-only license may be obtained in addition to the free spring or fall license. Nonresident landowners are not eligible for resident or landowner turkey hunting licenses.

~~*a. Spring combination shotgun-or-archery licenses.* A spring combination shotgun-or-archery license will be issued by season and will be valid only on the farm unit of the landowner or tenant.~~

~~*b. Spring archery-only licenses.* A spring archery-only license will be valid for all seasons but only on the farm unit of the landowner or tenant.~~

~~*c. Number of spring licenses.* One combination shotgun-or-archery license or one archery-only license may be obtained in addition to the free shotgun-or-archery license or the free archery-only license. If an archery-only license and a combination shotgun-or-archery license are obtained, the shotgun-or-archery license must be for season 4. If a free shotgun-or-archery license and a paid shotgun-or-archery license are obtained, one of the licenses must be for season 4.~~

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ARC 0282D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to mobile radio transmitters

The Natural Resource Commission (Commission) hereby rescinds Chapter 103, "Mobile Radio Transmitters," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 481A.24 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 481A.24.

Purpose and Summary

This chapter defines one-way and two-way mobile radio transmitters and outlines the legal use of these transmitters for falconry and hunting with dogs. This chapter is redundant to Iowa Code section 481A.24. Accordingly, this chapter is being rescinded consistent with 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 7, 2026, as **ARC 9920C**. A public hearing was held on the following date(s):

- January 28, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **571—Chapter 103**.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0283D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to hunting and wildlife

The Natural Resource Commission (Commission) hereby rescinds Chapter 104, "Wildlife Importation, Transportation and Disease Monitoring"; rescinds Chapter 112, "Hunting Preserves," and adopts a new Chapter 112 with the same title; and rescinds Chapter 115, "Whitetail Hunting Preserves," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 484B and 484C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 484B and 484C and section 481A.6.

Purpose and Summary

Chapter 112 consolidates two chapters related to private hunting preserves in the State of Iowa. Specifically, the Iowa Code authorizes private hunting preserves for game birds and whitetails and other ungulates. This chapter sets forth general operation, registration, and fees for hunting preserves; signage and fencing requirements; recordkeeping and reporting requirements; tagging and transportation requirements; and health and disease testing requirements, both generally and for whitetails specifically. The substance of these chapters has been revised to eliminate redundancies, improve efficiency, and align with the Iowa Code, as mandated by Executive Order 10.

This rulemaking also rescinds Chapter 104, which contains antiquated provisions related to farm deer, which are now under the jurisdiction of the Iowa Department of Agriculture and Land Stewardship.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9923C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 2, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **571—Chapter 104**.

ITEM 2. Rescind 571—Chapter 112 and adopt the following **new** chapter in lieu thereof:

CHAPTER 112
HUNTING PRESERVES

571—112.1(484B,484C) Definitions. In addition to the definitions in Iowa Code sections 484B.1 and 484C.1, the following definitions apply:

"Accredited veterinarian" means a Category II-accredited veterinarian as authorized by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) and the state veterinarian in accordance with 9 CFR Part 161 as amended through February 25, 2020, to perform functions required by cooperative state/federal animal disease control and eradication programs.

"Annual activity report" means the Annual Report Form provided by the department.

"Approved laboratory" means an American Association of Veterinary Laboratory Diagnosticians (AAVLD)-accredited laboratory or the National Veterinary Services Laboratories in Ames, Iowa.

"Boundary sign" means a sign prescribed by the department that, when posted, designates the registered hunting preserve's boundaries.

"Cervidae" or *"cervids"* means any member of the Cervidae family, whether free-ranging or captive, except those classified as farm deer by Iowa Code section 481A.1(21)*"h."* "Farm deer" does not include any unmarked free-ranging elk, moose or mule deer.

"CWD" means chronic wasting disease, an infectious prion disease of cervids.

"Department" means the Iowa department of natural resources.

"Hunting preserve operator's registration" means the authority of the holder to establish a hunting preserve for the purpose of holding, propagating, and releasing game birds or privately owned whitetails or other ungulates for hunting purposes. "Registration" means both the license created in Iowa Code section 484B.4 and the registration created in Iowa Code section 484C.7.

"Lease" means a land-lease document for hunting preserve purposes.

"Privately owned" means the propagation and holding of whitetails whose origins are from privately owned populations.

"Quarantine" means an imposed restriction prohibiting movement of whitetails to any location without specific written permits.

"Registrant" means a person or organization that is registered to possess a hunting preserve operator's registration issued by the department.

"Transportation tag" means a self-adhesive, numbered tag for marking individual game birds and whitetails and other ungulates prior to transportation.

"Tissue sample" refers to the medial retropharyngeal lymph node, which is the preferred tissue type for CWD testing in whitetail deer and mule deer, or the lymph node and obex (caudal brainstem) in other cervid species. When damaged or degraded, the obex can be substituted in deer, though individual deer in early disease can be missed.

DIVISION I
GENERAL HUNTING PRESERVE OPERATIONS

571—112.2(484B,484C) Hunting preserve registration. A hunting preserve operator's registration may, following review and inspection, be issued to a person or organization that, upon application, complies with all requirements established in Iowa Code section 484B.4 or 484C.7, as applicable, and this chapter.

571—112.3(484B,484C) Land leases required. All hunting preserve applications that include leased tract(s) of land shall be accompanied by a legible copy of the land-lease document(s). The lease document(s) shall include but not be limited to the following information: name/address of the lessee and lessor, term of the lease (not less than five years), purpose of the lease, description/location of the leased tract(s) (acreage—section—township—county), one copy of the plat map depicting the location of leased tract(s), and dated signatures by both parties.

571—112.4(484B,484C) Boundary signs required. All registered hunting preserves shall provide, post, and maintain boundary signs that meet the following minimum specifications: 160-square-inch surface area; sign material of wood, steel, aluminum or heavy poly-plastic; and white/red sign color combination with the message "Registered Hunting Preserve." Boundary sign spacing shall be no more than 500 feet apart. Boundary signs shall be posted at each entrance and perimeter gate and at every boundary corner. If the facility operated prior to September 1, 2005, and was signed as a "Licensed Hunting Preserve," those signs will satisfy the signing requirement. However, once existing sign supplies are depleted, new signs must read "Registered Hunting Preserve."

571—112.5(484B,484C) Fencing required. All registered hunting preserves for whitetails or other ungulates shall construct and maintain a "deer-proof" boundary fence. Such fence shall be constructed and maintained with a minimum fence height of eight feet above ground level. Fencing shall be inspected and approved by officers of the department prior to registration. Follow-up fence inspections by the department shall be allowed at any reasonable time by appointment or by providing the landowner or preserve registrant with at least 48 hours' notice. Boundary fence gates shall remain closed at all times except for preserve maintenance activity, at which time no open gate shall be left unattended.

571—112.6(484B,484C) Records and annual report. All registered hunting preserves shall submit to the department a completed annual activity report on forms provided by the department. All registered hunting preserves shall retain sales/shipping receipts involving the purchase and delivery of any game birds or whitetails or other ungulates to the registrant. All registered hunting preserves shall record any transaction involving the sale of game birds or whitetails or other ungulates by the registrant. All original sales receipts for harvested game birds and whitetails and other ungulates shall remain with the registrant as a part of the permanent record and a copy shall be provided to the purchasing hunter. This record requirement shall also apply to any sale of live birds or whitetails or other ungulates for private or commercial use, and the sale must be recorded immediately following the event.

Any registered hunting preserve having a registration for ungulates shall maintain an inventory record of all ungulates released and being held on the property at any given time.

571—112.7(484B) Game bird transportation tags. Tags shall be placed on a leg of all birds harvested on a registered hunting preserve prior to the bird being transported from the registered area. The tag shall remain attached to the bird until the time it is processed for consumption. Tags are available from the department at a cost of $5 per 100 tags.

571—112.8(484B,484C) Whitetail and other ungulate transportation tags. Tags shall be placed on a leg of each whitetail or other ungulate harvested on a registered hunting preserve prior to moving the carcass in any manner. The hunter shall, upon taking a whitetail or other ungulate, immediately validate the tag by including the following information in the space provided: species and sex of animal taken and the hunter's signature. The hunter shall also notch or punch a hole in the corresponding blocks on the tag designating the year, month and day the animal was taken. The tag shall remain attached to the animal until the animal is processed for consumption. Tags are available from the department at a cost of $1 per tag.

571—112.9(484B) Processed game birds. Registered hunting preserves may prepare game birds for hunters by cleaning, dressing, preserving, and packaging whole birds or bird parts. Packaging material shall be a see-through plastic bag. The plastic bag shall be sealed and the tag placed around the opening

of the bag or attached to the bag in such a manner so that the tag number(s) is completely legible. The number of game birds or combination of bird parts shall correspond to the number of tags affixed to the clear plastic bag.

571—112.10(484B,484C) Processed whitetails or other ungulates. Registered hunting preserves may prepare whitetails or other ungulates for hunters by cleaning, dressing, preserving, and packaging the meat. Packaging material shall bear the species name, date the animal was killed, and hunting preserve name in a legible fashion on the outside of the package. The tag shall remain with the meat during processing and shipment.

571—112.11(484B,484C) Health requirements. No game birds or whitetails or other ungulates shipped or transported into Iowa shall be affected with, or recently exposed to, any infectious, contagious, or communicable disease, or originate from a quarantined area.

112.11(1) *Game birds.* All game birds and their hatching eggs shipped or transported into Iowa shall have proof of origination from flocks or hatcheries that have a pullorum-typhoid clean rating given by the official state agency of the National Poultry Improvement Plan or its equivalent and shall be in accordance with the United States Department of Agriculture and the Iowa department of agriculture and land stewardship.

112.11(2) *Whitetails.* All whitetails shipped or transported into or within Iowa for hunting preserve purposes must be in compliance with all movement requirements, including but not limited to health certificate requirements, as prescribed by the department and the department of agriculture and land stewardship as established in 21—65.9(163) and 21—66.14(163). Whitetails are also subject to the rules in Division II of this chapter.

112.11(3) *Other ungulates.* All other ungulates shipped or transported into Iowa for hunting preserve purposes shall be accompanied by an approved Certificate of Veterinary Inspection. All veterinary inspection certificates shall be retained by the registrant for a period of no less than five years.

571—112.12(484B,484C) General conditions for registrants.

112.12(1) Records and facilities shall be available for inspection by officers of the department during reasonable hours. The department may conduct an annual site visit and visual inventory of whitetails or other ungulates observed.

112.12(2) All records and reports must be kept current and reflect a true and accurate account of the registrant's activities.

112.12(3) The department must be notified within 30 days in writing if the registrant ceases operation as a hunting preserve, at which time all unused transportation tags shall be returned to the department.

112.12(4) Whitetail or other ungulate hunting preserves that cease operation shall not remove boundary fencing without approval from the department. Whitetail or other ungulate hunting preserves shall be depopulated prior to any boundary fence removal.

112.12(5) Game bird and ungulates-other-than-whitetail hunting preserves.

a. Registrants must seek to renew their hunting preserve operator's registration within 30 days following the expiration date. Renewal requests received after this period may be considered a new application pursuant to 571—112.2(484B,484C) and 571—112.3(484B,484C).

b. All new hunting preserve operator's applications shall be considered on a first-come, first-served basis following April 30 of each year.

112.12(6) Whitetail preserves.

a. A registrant shall renew the hunting preserve operator's registration and recertify no later than June 30. Registration renewal and recertification requests received by the department after June 30 shall be considered delinquent.

b. The department shall not renew a hunting preserve operator's registration unless a completed annual report, including all documented events for the reporting period, has been received by the department prior to the reporting deadline.

c. For purposes of this chapter, there shall be a continuous open season on whitetails enclosed on registered preserves.

d. Individuals may use centerfire rifles, pistols, crossbows, modern or traditional archery equipment, muzzleloaders, or shotguns to hunt and harvest preserve whitetails.

DIVISION II
WHITETAIL DISEASE MONITORING

571—112.13(481A,484C) CWD in whitetails.

112.13(1) *Testing required.* A person who keeps preserve whitetails in this state shall have CWD tests performed on any preserve whitetail that dies or is killed on the premises. Whenever any person receives a laboratory test result for CWD, that person shall immediately report that result to the department. The person shall report by telephone, email, fax or other rapid means within one day after receiving the test result and shall report in writing within ten days. The person shall provide a copy of the test result to the owner of the tested whitetail. This reporting requirement applies to any laboratory test result for CWD.

112.13(2) *Collecting tissue samples.* One of the following persons shall collect a tissue sample and submit it for testing:

a. An accredited veterinarian.

b. A trained employee of the department authorized by the department.

112.13(3) *Reporting disease findings.* Accredited veterinarians unaffiliated with the department shall share results of CWD or other disease testing by phone or email as soon as received. Accredited veterinarians unaffiliated with the department shall also provide a copy of the test result to the owner of the tested whitetail.

571—112.14(481A,484C) Official whitetail CWD tests. The following are recognized as official cervid tests for CWD:

1. Immunohistochemistry.
2. Enzyme-linked immunosorbent assay.
3. Any other tests performed by an approved laboratory to confirm a diagnosis of CWD.

571—112.15(481A,484C) Duration of quarantine. A positive test result for CWD will result in a minimum of a five-year quarantine on the preserve and all remaining animals located within the infected preserve. No animal movement in or out of the preserve can occur during the quarantine period.

571—112.16(481A,484C) Herd plan. The registered hunting preserve owner, the owner's veterinarian, if requested, and a designated epidemiologist shall develop a plan for eradicating CWD in affected herds. The plan must be designed to reduce and then eliminate CWD from the herd and prevent spillover into wild cervids. The herd plan must be developed and signed within 60 days after the determination that the herd is affected. The plan must be formalized as a memorandum of agreement between the owner and program officials within the department.

These rules are intended to implement Iowa Code chapters 481A, 484B and 484C.

ITEM 3. Rescind and reserve **571—Chapter 115**.

[Filed 4/17/26, effective 6/17/26]
[Published 5/13/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0284D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to scientific collecting and wildlife rehabilitation

The Natural Resource Commission (Commission) hereby rescinds Chapter 111, "Scientific Collecting and Wildlife Rehabilitation," and adopts a new Chapter 111, "Natural Resources Collector Permits: Research, Education and Wildlife Rehabilitation," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 461A.41, 481A.39 and 481A.65.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 461A.41, 481A.39 and 481A.65 and 50 CFR Parts 10, 20, and 21.

Purpose and Summary

Chapter 111 explains the process for members of the public to obtain permits to take, acquire, or possess wildlife or plants for educational projects, scientific collecting, wildlife rehabilitation, and wildlife salvage. The rules clarify compliance with State and federal law and adopt standards as identified by the National Wildlife Rehabilitators Association, the International Wildlife Rehabilitation Council, the United States Fish and Wildlife Service, and the United States Department of Agriculture.

This chapter has been reviewed and edited consistent with Executive Order 10. Definitions and rules have been revised to align with state and federal law. Specific publication titles have been added with dates certain to clarify the standards that apply to applicants and permittees. In an attempt to reduce and simplify regulatory burdens, the new chapter defines, clarifies, and minimizes the redundancies found in the previous version.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9921C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 111 and adopt the following **new** chapter in lieu thereof:

CHAPTER 111
NATURAL RESOURCES COLLECTOR PERMITS:
RESEARCH, EDUCATION AND WILDLIFE REHABILITATION

571—111.1(481A) Definitions.

"Department" means the same as defined in Iowa Code section 481A.1.

"Educational project permit" means a permit to take, acquire and possess live wildlife for natural resource-based educational programs and displays.

"Permit" means a license for the purpose of this chapter.

"Permittee" means an organization or person that possesses a valid permit issued by the department under Iowa Code section 481A.65.

"Scientific collector's permit" means a permit to take, for scientific purposes only, any birds, nests, eggs, mammals, amphibians, reptiles, fish, invertebrates, plants or parts thereof that are protected by state regulations.

"Wildlife rehabilitation permit" means a permit to take and temporarily possess injured, sick or orphaned authorized wildlife species with the sole intent to return the animal to its natural habitat as soon as possible.

"Wildlife salvage permit" means a permit to possess, for natural resource education programs or scientific studies, authorized protected wildlife species that have died as the result of natural causes or accidents, were legally taken, or were donated specimens that have been legally obtained.

571—111.2(481A) General conditions for permits.

1. Applications will not be approved for private collections or for commercial use of protected species.

2. Any costs incurred by the permittee for the administration of any permit authorized by this chapter are the responsibility of the permittee.

3. Scientific collecting permits, wildlife salvage permits, and educational project permits unless for migratory birds are generally issued in the name of the institution or organization. The principal collector or permittee will be listed on the permit and be responsible for administering the permit. All persons collecting or working under the authority of the permit shall carry a copy of the permit and a letter of authorization from the principal permittee.

4. Educational project permits for migratory birds and wildlife rehabilitation permits may list an institution or organization but also must list the person or persons with the qualifications for that

particular permit. These permits do not necessarily continue with the institution or organization if the person or persons listed on the permits leave. If replacement personnel with the proper qualifications for the permit or permits are found, then the permit or permits may stay in the institution's or organization's name.

5. Specimens collected or possessed under any permit authorized by this chapter remain the property of the state of Iowa. The department reserves the right to determine the disposition of all specimens collected under authority of these permits.

6. Records, facilities and inventories must be made available for inspection by the department's agents during reasonable hours.

7. Records of collections and the manner in which specimens have been acquired and their disposition must be kept current at all times.

8. Authorization to collect or possess endangered or threatened species requires special permission and must comply with provisions established in Iowa Code chapter 481B.

9. A representative of the department must be notified within 72 hours of a permittee taking or holding threatened or endangered species that are found dead and within 24 hours for those that are injured or sick.

10. A permitted rehabilitator or veterinarian must determine if a migratory bird is permanently crippled before it may be held under an educational project permit.

11. Permit fees will be $5 for one year, $10 for two years, and $15 for three years.

12. Applicants for scientific collectors, wildlife rehabilitation, and educational projects must be at least 18 years old or provide written permission from a parent or guardian.

13. No animals being rehabilitated may be used for educational programs.

14. Applicants for scientific collector, wildlife rehabilitation, wildlife salvage, and educational project permits that are requesting permission to collect, possess, or hold wildlife species as listed in 50 CFR Parts 10, 20, and 21 as amended through August 4, 2025, must follow provisions set forth and may be required to obtain a federal permit issued by the U.S. Fish and Wildlife Service.

15. Any native mammals, reptiles, amphibians, or fish that are not state-listed endangered or threatened species and are obtained from legal sources outside the state of Iowa are exempt from these permit requirements. Proof of origin of each animal is the responsibility of the owner.

571—111.3(481A) Scientific collector's permit. A scientific collector's permit may, after investigation, be issued to any business, organization, university, college or person engaged in a scientific project approved by the department.

This permit may be issued for a period of up to three years.

The application narrative shall include the reason for study, expected conservation benefit for Iowa, species, number of specimens to be collected, geographic location, time frame and collection methods subject to department approval.

571—111.4(481A) Wildlife salvage permit. A wildlife salvage permit may be issued to any business, university, college, school, public agency, other organization or person engaged in a natural resource education or research program approved by the department.

This permit may be issued for a period of up to three years.

Special approval is required for the salvage of migratory birds, including nests and eggs.

571—111.5(481A) Educational project permit. The following classes of educational project permits may be issued by the department:

111.5(1) A general educational project permit for protected animal species, other than migratory birds, may be issued to any university, college, school, public agency, other organization or person engaged in a natural resource education program approved by the department. The limitation on the number of animals in possession shall be established by the ability of the applicant to provide adequate facilities and care.

This permit may be issued for a period of up to three years.

111.5(2) A migratory bird apprentice educational project permit may be issued to a person interning to meet the requirements of the federal special purpose possession permit and being sponsored by a person possessing the following: a master wildlife rehabilitation permit and two years' experience using migratory birds under a state or federal educational project permit, a master class falconry permit or a migratory bird general educational project permit for at least five years. Sponsorship information shall be submitted with the apprentice application on a form prescribed by the department. An apprentice will be limited to the possession of one American kestrel and one screech owl that are permanently crippled or human imprinted. In the case where an apprentice will be in charge of an existing facility with additional birds, the sponsor and the conservation officer must approve the possession of the additional species and individuals.

This permit may be issued for a period of up to two years.

111.5(3) A migratory bird general educational project permit for migratory birds may be issued to a person who has served the appropriate apprenticeship and is recommended by the person's sponsor, has previously held an educational project permit for migratory birds issued by the department or the U.S. Fish and Wildlife Service, or has held a master class state and federal falconry permit within the last five years.

This permit may be issued for a period of up to three years.

571—111.6(481A) Wildlife rehabilitation permit. The following classes of wildlife rehabilitation permits may be issued by the department:

111.6(1) An apprentice wildlife rehabilitation permit may be issued to a person serving a one-year internship with and being sponsored by a person possessing a master wildlife rehabilitation permit or to a person serving a two-year internship with and being sponsored by a person possessing a general wildlife rehabilitation permit. Sponsorship information shall be submitted with the apprentice application on a form prescribed by the department.

This permit may be issued for a period of up to two years.

111.6(2) A general wildlife rehabilitation permit may be issued to a person who has served the appropriate apprenticeship; has graduated with a degree in veterinary medicine; or has previously held a rehabilitation permit issued by the department, U.S. Fish and Wildlife Service, or any other state natural resource agency.

A general wildlife rehabilitator may sponsor up to four apprentices at a given time.

This permit may be issued for a period of up to three years.

111.6(3) A master wildlife rehabilitation permit may be issued to a person who has completed five consecutive years of extensive rehabilitation work and has received a recommendation from the local state conservation officer assigned to the person's resident county or who is a licensed veterinarian with specific training and experience in wildlife rehabilitation. The department may issue a master wildlife rehabilitation permit to individuals who have demonstrated special ability, knowledge, training and experience in wildlife rehabilitation.

A master wildlife rehabilitator may sponsor up to six apprentices at a given time.

This permit may be issued for a period of up to three years.

571—111.7(481A) Application qualifications. All applicants for any permit defined herein must possess adequate qualifications and experience and facilities to house and properly confine species held under the permit if applicable. Applicants are subject to the following standards:

Standards/Publications	Association/Society Name
Minimum Standards for Wildlife Rehabilitation, Fourth Edition 2012	International Wildlife Rehabilitation Council (IWRC) National Wildlife Rehabilitators Association (NWRA)
Migratory Bird Permit Memorandum, MBPM-12, December 31, 2024	Fish and Wildlife Service (FWS)
Buhl G. Wildlife in Education: A Guide for the Care and Use of Program Animals. Second. Buhl	NWRA

Standards/Publications	Association/Society Name
G, Schlieps J, Smith L, editors. Bloomington, MN: National Wildlife Rehabilitation Association, 2018	
Animal Welfare Act and Animal Welfare Regulations Blue Book, Animal and Plant Health Inspection Service, July 2023	United States Department of Agriculture (USDA)
Arent, Lori, "Raptors in Captivity: Guidelines for Care and Management," Hancock House, 2007	FWS

For scientific collectors permits, the applicant must certify to following the guidelines set forth by the organization's Institutional Animal Care and Use Committee or the organization overseeing the research.

For education and rehabilitation permits, the applicant and officer will be provided the appropriate Permit Inspection Sheet based on the guidelines set forth by the appropriate governing body and the appropriate governing body's permit resources.

If they are housing animals, wildlife rehabilitation and educational project applicants must provide a completed and signed Consulting Veterinarian Agreement on the form provided by the department from a licensed veterinarian that will provide professional counsel to the applicant. Applicants must list species or groups of species, such as but not limited to rabbits, squirrels, migratory birds, snakes or turtles, for which they will be providing rehabilitation services on the applicants' permit application narrative.

The application narrative for an educational project permit must list the species and number of each species that will be held. Facilities for migratory birds must meet the design and size criteria set forth by the standards listed above.

If an applicant has been found in court to have committed an act of animal cruelty or neglect, the applicant shall not be eligible for a license for at least five years from the date of the conviction or guilty plea.

571—111.8(481A) Evaluation committee. For the purpose of evaluating facilities, standards of care, study design, sample numbers, and impacts to wild populations from applications requested by applicants under this rule, the director may establish an ad hoc committee of persons with expertise in wildlife, rehabilitation, veterinary medicine, research or education. Upon request by the director, the committee shall inspect the facilities, procedures and educational programs and provide the department with appropriate recommendations. The committee may also consider the National Wildlife Rehabilitator's Code of Ethics for its recommendations. The recommendations may be used as a basis for placing certain conditions on a permit or modifying or terminating a permit.

571—111.9(481A) Disposition of animals, parts, eggs or nests. Injured or orphaned animals that cannot be returned to their natural environment shall be transferred to someone with an educational project permit or, after being euthanized by or under the guidance of a licensed veterinarian, handled as follows:

111.9(1) The animals will be transferred to someone with a scientific collector's permit or a wildlife salvage permit after obtaining permission from the department, or

111.9(2) Disposition of carcasses must be in accordance with local ordinances and according to Iowa Code chapter 167.

All threatened and endangered species that have died, that must be euthanized, or that cannot be released shall be referred to the department for further determination of proper disposition.

These rules are intended to implement Iowa Code sections 461A.41, 481A.39, and 481A.65.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0285D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to pollution restitution

The Natural Resource Commission (Commission) hereby rescinds Chapter 113, "Restitution for Pollution Causing Injury to Wild Animals," Iowa Administrative Code, and adopts a new Chapter 113 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 481A.151.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 456A.23, 481A.2 and 481A.151.

Purpose and Summary

The Iowa Code requires the Department of Natural Resources (Department) to obtain restitution for damages to natural resources caused by water pollution. This restitution serves as funding to remediate the damages and serves as a deterrent to future prohibited activities. Chapter 113 includes provisions identifying how investigations are to be conducted and how damages are to be assessed, designating restitution amounts for fish and other aquatic life, and providing procedures for how compensation for damages will be obtained. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9922C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 113 and adopt the following **new** chapter in lieu thereof:

CHAPTER 113
RESTITUTION FOR POLLUTION CAUSING INJURY TO WILD ANIMALS

571—113.1(481A) Applicability. These rules apply to persons who cause, by water pollution, the destruction of or injury to wild animals held in trust by the state for the public. These rules relate to the compensation to the state and public for the natural resource damages and are in addition to any other legal recourse for the event or action that caused the destruction or damage.

571—113.2(481A) Definitions.

"AFS" means the 2017 Special Publication 35, "Investigation and Monetary Values of Fish and Freshwater Mollusk Kills," published by the American Fisheries Society.

"Damages" means the costs of restoration, rehabilitation, and replacement of resources or acquisition of equivalent resources as determined in accordance with this chapter; the reasonable and necessary costs of the assessment, to include the cost of performing the assessment and administrative costs and expenses necessary for, and incidental to, the assessment; lost services to the public; and, in the event the damages claim is not resolved within six months after the incident leading to the damages, interest at the current rate published in the Iowa Administrative Bulletin by the department of revenue pursuant to Iowa Code section 421.7. The interest amount shall be computed from the date the amount of the claim is confirmed by a final ruling of the commission in a contested case decision.

"Priority watershed" means a watershed for which:

1. The department of natural resources, in partnership with other state or federal agencies, the agriculture community or nonprofit organizations, creates and implements plans, programs or projects to sustain and enhance watershed and stream functions; and
2. The principal objective is to manage wild animals and their habitats.

"Surface water resources" means the waters of the state, including the sediments suspended in water or lying on the bank, bed, or shoreline. This term does not include groundwater or water or sediments in ponds, lakes, or reservoirs designed for waste treatment under applicable laws regulating waste treatment.

"Wild animals" means fish, wildlife and other biota belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the state of Iowa, the United States, or local government. Fish and wildlife include freshwater aquatic and terrestrial species; game, nongame, and commercial species; and threatened and endangered species. Other biota encompass shellfish and other living organisms not otherwise listed in this definition.

571—113.3(481A) Liability to the state. Persons who cause by water pollution the destruction of or injury to wild animals of the state shall be liable to the state as provided in Iowa Code section 481A.151. These rules establish the methodologies and criteria for evaluating the extent and value of the destruction or injury and establish the methods of compensation. If the person and the department cannot agree

to the proper resolution of a particular case, the issues of liability, damage and compensation will be established through contested case proceedings as provided by 571—Chapter 7.

571—113.4(481A) Assessment. When wild animals are destroyed or injured by an identifiable source of water pollution, the degree and value of the losses shall be assessed by collecting, compiling, and analyzing relevant information, statistics, or data through prescribed methodologies to determine damages, as set forth in this rule.

113.4(1) *General.* For species other than fish, the professional judgment of fish and wildlife staff and available literature and guidance normally relied on in the fish and wildlife professions may be used to assess the injuries.

113.4(2) *Fish loss.* Assessment of damages for fish kills shall be in accordance with the following:

a. Normally, investigators will follow the methods prescribed by AFS to determine, by species and size, numbers of fish killed.

b. During periods of ice cover, where local conditions prevent using the methods in 113.4(2)*"a,"* or in other appropriate circumstances; for example, when the resources are known to have been diminished by prior incidents, investigators will utilize the best information available to determine, by species and size, numbers of fish killed. Information may include existing or prior data on population levels in the affected water body or a nearby water body with similar characteristics, including any historical fish kill data.

c. The monetary valuation of fish shall be the replacement values as published in AFS for all fish lost, except the following: channel catfish, flathead catfish, blue catfish, northern pike, muskellunge, northern pike/muskellunge hybrid, rainbow trout, brown trout, brook trout, white bass, yellow bass, white bass/striped bass hybrid, largemouth bass, smallmouth bass, spotted bass, crappie, rock bass, bluegill, redear sunfish, warmouth, pumpkinseed, freshwater drum, yellow perch, walleye, sauger and walleye/sauger hybrid. The value of these fish shall be $15 each unless AFS establishes a higher value. Notwithstanding the above, the value of each fish classified by the department as an endangered or threatened species shall be $1,000.

d. The value of lost services to the public shall be the number of fishing trips lost over the period of the resource loss as determined through local creel survey information or through interpolation from the most recent statewide creel survey. Each trip shall be valued at $30.

e. The cost of the investigation shall include:

(1) Salaries plus overhead of staff, including support staff, involved in investigating the fish kill and performing the assessment.

(2) Any meals and lodging of staff while they are in the field conducting the assessment.

(3) Mileage valued at the current rate established pursuant to Iowa Code section 8A.363.

(4) Costs borne by the department associated with containment or cleanup operations.

(5) Any other costs directly associated with the investigation and assessment.

571—113.5(481A) Compensation. The department will extend to the responsible person the opportunity to reach voluntary agreement as to the amount of damages and the compensation method. The method of compensation shall be solely in the discretion of the department. If the person disputes liability or the damage amount, these issues will be resolved through contested case proceedings.

113.5(1) *Direct monetary payment.* Compensation shall normally be by direct monetary payment to the department for projects in priority watersheds selected by the department. To the extent reasonable and practical, the money received will be used to replace, restore or rehabilitate the lost or injured animals. Resource enhancement projects, support of educational programs relating to resource protection or enhancement, or resource acquisition of equal or greater value also may be funded. If practical, such alternatives should provide similar services to the public.

113.5(2) *Indirect monetary payment.* In cases where the destruction of or injury to wild animals is in a selected priority watershed, an equal or greater amount of compensation may be made by monetary payment to another government agency or private nonprofit group in the natural resource field for the same purposes as provided in 113.5(1).

113.5(3) *Direct funding of projects.* With the approval and oversight of the department, the person may be allowed to contract directly for the same purposes as provided in 113.5(1).

These rules are intended to implement Iowa Code sections 456A.23, 481A.2 and 481A.151.

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ARC 0286D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to Help Us Stop Hunger program administration

The Natural Resource Commission (Commission) hereby rescinds Chapter 116, "Help Us Stop Hunger Program Administration," Iowa Administrative Code, and adopts a new Chapter 116 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.38 and 483A.1.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 483A.8(1) and 483A.8(3).

Purpose and Summary

Chapter 116 establishes the procedures for the administration of the Help Us Stop Hunger (HUSH) program. The HUSH program is established in the Iowa Code to encourage hunters, especially during periods of excessive deer populations, to harvest more deer than needed for personal consumption so as to donate those deer to a program to feed Iowans in need. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9967C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 2, 2026

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 Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 116 and adopt the following **new** chapter in lieu thereof:

CHAPTER 116
HELP US STOP HUNGER PROGRAM ADMINISTRATION

571—116.1(483A) Purpose. This chapter establishes the procedures for the administration of HUSH.

571—116.2(483A) Definitions.

"Deer" means any wild deer legally taken in Iowa and deer confiscated as legal evidence if the confiscated carcass is considered by a conservation officer to be in good condition for donation.

"Department" means the same as defined in Iowa Code section 483A.1A.

"Distributor" means the Food Bank of Iowa or other venison distribution service provider as shall be designated by future contract with the department.

"Field-dressed" means that the deer has been properly bled and cleaned of its internal organs.

"Food Bank of Iowa" means the private, nonprofit charitable organization incorporated under that name, whose mission is to alleviate hunger and reduce food waste in Iowa.

"HUSH" means the help us stop hunger program.

"Meat processor" means any business that is licensed by the department of agriculture and land stewardship's bureau of meat and poultry inspection, the USDA, or a neighboring state's department that is similar to Iowa's, to process meat for retail customers.

571—116.3(483A) Restrictions. Deer is the only species of wildlife that shall be covered by the HUSH program. The entire deer carcass must be donated, but the hunter may keep the antlers, head and cape.

571—116.4(483A) HUSH council. There is hereby created a HUSH council. Members shall serve without compensation.

116.4(1) *Membership.* The HUSH council shall include the following voting members:

a. The HUSH coordinator, who shall serve as the chairperson;

b. An additional department representative designated by the department's wildlife bureau chief;

c. A representative of the Food Bank of Iowa appointed by its executive director.

116.4(2) *Duties.*

a. To set a fair market price, the council shall consider prices for similar services paid by retail customers in Iowa and nearby states and shall recommend to the department an annual per-deer processing payment to be made to meat processors.

b. The council shall recommend to the department an annual per-deer administrative payment to be made to the Food Bank of Iowa. The Food Bank of Iowa shall provide information to assist in this determination but shall not participate in any vote of the council regarding the recommendation of the annual per-deer administrative payment to the Food Bank of Iowa.

c. The council shall make recommendations to the department to resolve conflicts or disputes in the operation of the HUSH program as brought to it by any person or entity.

d. The council shall adopt standards for participating lockers to meet in terms of their record of violations of rules of the bureau of meat and poultry inspection and the department of natural resources.

e. The council shall advise the department in the administration of HUSH.

116.4(3) *Administration.* The HUSH coordinator shall convene the council as needed to conduct business. A majority vote shall be required for action or decision by the council. The chief of the department's wildlife bureau shall have the right to overrule the council for cause and shall provide the council with justification for the reasons. A quorum to conduct business shall consist of three council members, one of whom shall be the HUSH coordinator.

571—116.5(483A) Duties of the department. During periods of excessive deer populations, the department shall promote the harvest of deer by hunters and the donation of deer at meat processors participating in HUSH. During periods of nonexcessive deer populations, HUSH may continue with less emphasis on promotion to hunters. The department shall enlist as many meat processors as available to participate in HUSH and shall enter into uniform agreements with them. The department shall contract with the Food Bank of Iowa and pay a per-deer rate for administrative services provided.

571—116.6(483A) Partnerships with other organizations. The department, at its own discretion, may enter into agreements with other organizations for the purpose of expanding the deer donation program. The department may include the offer of matching grants to pay for deer processing to organizations that acquire funding from sources other than the state of Iowa.

These rules are intended to implement Iowa Code chapter 483A.

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ARC 0287D

PRESERVES, STATE ADVISORY BOARD FOR[575]

Adopted and Filed

Rulemaking related to agency realignment

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 1, "Organization and Operation"; to adopt a new Chapter 1, "State Preserves," and transfer Chapter 1 as 571—Chapter 60; and to rescind Chapter 2, "Management of State Preserves," and Chapter 3, "Public Records and Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 455A.5(6)"a" and 465C.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 465C.

Purpose and Summary

Agency [575] of the Iowa Administrative Code contains chapters regulating State preserves. Preserves are the highest classification of public land and exist to protect significant natural, geological, historical, archaeological, and scenic sites in Iowa. The rules also govern the State Preserves Advisory Board and include provisions for its membership, operation, reporting requirements, and recordkeeping procedures. Recent changes to the Iowa Code eliminated this Board and transferred its authority and duties to the Commission. For this reason, many of the existing provisions in Chapters 1 through 3 are now no longer relevant. This rulemaking removes those irrelevant provisions and then consolidates the remaining provisions into a single "State Preserves" chapter. This new chapter is transferred to the Commission's jurisdiction under 571—Chapter 60. This chapter has been reviewed and edited consistent with 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 7, 2026, as **ARC 9890C**. A public hearing was held on the following date(s):

- January 28, 2026
- February 4, 2026

These hearings were held as joint hearings, also covering Chapter 77, "Endangered and Threatened Plant and Animal Species" (**ARC 9910C**, IAB 1/7/26). Three individuals attended the January 28 hearing, and two individuals attended the February 4 hearing. None of the individuals present commented on this rulemaking, and no written comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 9, 2026.

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 rulemaking is subject to the waiver provisions of 571—Chapter 11. 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.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 575—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
STATE PRESERVES

575—1.1(465C) Duties as to state preserves. The natural resource commission is charged with the responsibility of locating, identifying, evaluating, and dedicating areas as state preserves.

575—1.2(465C) Types of preserves. There shall be five major classes of preserves.

1.2(1) *Natural preserves.* These areas contain natural communities; habitats; native flora and fauna; or endangered, threatened, or rare organisms.

1.2(2) *Archaeological preserves.* These areas contain significant deposits left by prehistoric or early historic peoples.

1.2(3) *Historical preserves.* These are sites that contain structures or places that are of significance in studying the tenure of humans in Iowa since the advent of the first Euro-American explorers.

1.2(4) *Geological preserves.* These are areas that contain rare or distinctive landforms, fossils, stratigraphic sections, mineral deposits or examples of mining history; type or reference sections; or other special features or deposits that represent the events and processes of Iowa's earth history.

1.2(5) *Scenic preserves.* These are areas that contain scenic features of aesthetic, scientific, or educational value.

575—1.3(465C) Management provisions.

1.3(1) *Administration and management.* The administrative and management authority for a preserve shall be agreed upon by the commission, the property owner, and the manager.

1.3(2) *Management plan.* For each preserve, an authorized representative of the owner shall prepare a management plan in consultation with department staff. The management plan shall be consistent with the articles of dedication and shall include identification of uses of the preserve that are compatible and incompatible with its dedication as a preserve. The management plan shall be amended periodically, as appropriate, in response to new information. The management plan and amendments shall be submitted to the commission for approval. The department shall keep a copy of the current management plan. A management plan for a new preserve shall be submitted for approval by the commission in conjunction with approval of dedication of the preserve. Management plans for existing preserves shall be prepared and submitted for approval as resources are available.

These rules are intended to implement Iowa Code section 465C.8.

ITEM 2. Transfer **575—Chapter 1** as **571—Chapter 60**.

ITEM 3. Rescind and reserve **575—Chapter 2**.

ITEM 4. Rescind and reserve **575—Chapter 3**.

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ARC 0288D

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to general provisions for radiation machines and radioactive materials

The Department of Health and Human Services hereby rescinds Chapter 38, "General Provisions for Radiation Machines and Radioactive Materials," and adopts a new Chapter 38, "Permits to Operate

Ionizing Radiation Producing Machines or Administer Radioactive Materials for Medical Imaging," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 136C.3 through 136C.5, 136C.10 and 136C.14.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 136C.3 through 136C.5, 136C.10 and 136C.14 and 10 CFR Part 20.

Purpose and Summary

This chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This chapter and the seven others were reviewed as a part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department. This rulemaking also decreases the application fee amount that prospective permit holders must pay.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9773C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0082D**. Public hearings were held on the following date(s):

- December 16, 2025
- March 24, 2026

No one attended the public hearings. No public comments were received. No changes from the Amended Notice of Intended Action have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 8, 2026.

Fiscal Impact

This rulemaking lowers the application fee for permit holders from $150 to $100. This decrease in application fee is expected to decrease fees to permit holders by roughly $9,000, based on SFY 2025 data. In addition, the State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapter 37, 38, 43, and 44. As a result, the Department has removed the recurring late fees from these chapters and instead added a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund. This rulemaking also increases the returned check fees for licensing applications from $25 to $40. The Department assessed one returned check fee in SFY 2025 and SFY 2026, and thus the fiscal impact of that change is expected to be minimal.

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 July 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38
PERMITS TO OPERATE IONIZING RADIATION PRODUCING MACHINES OR ADMINISTER RADIOACTIVE MATERIALS FOR MEDICAL IMAGING

641—38.1(136C) Definitions.

"ARRT" means the American Registry of Radiologic Technologists.

"Attenuation correction" means the use of X-rays from a CT scan to construct an attenuation map of density differences throughout the body that can then be used to correct for the absorption of the photons emitted from Fludeoxyglucose (^{18}F) decay during a PET/CT scan.

"Authorized user" means an Iowa-licensed physician identified on a specific radioactive materials license or a license of broad scope pursuant to 641—Chapter 39.

"Category" defines specific duties allowed in the limited radiologic technologist permit classification.

"Classification" means a specific class of permit that allows the permit holder to perform the duties specified for that permit class.

"Continuing education activity" means a learning activity that is recognized as continuing education by the ARRT or NMTCB.

"Diagnostic computed tomography" means the use of computed tomography to create cross-sectional images of the human body to be used for diagnosis.

"Expiration date" means 11:59 p.m. on the stated date.

"Formal education" means a course of classroom and clinical instruction that meets the training standards set by the department.

"NMTCB" means Nuclear Medicine Technology Certification Board.

"Nuclear medicine diagnostic computed tomography endorsement" means a qualification that allows a nuclear medicine technologist to perform diagnostic computed tomography of the human body as ordered by an individual authorized by Iowa law to order radiography.

"Nuclear medicine procedure" means any procedure utilizing radiopharmaceuticals for diagnosis or treatment of disease in human beings and any duties performed by the technologist during sealed source procedures and includes but is not limited to:

1. Administration of any radiopharmaceutical to human beings for diagnostic purposes.
2. Administration of radioactive material to human beings for therapeutic purposes.
3. Use of radioactive material for diagnostic purposes involving transmission or excitation.

4. Quality control and quality assurance.

"Nuclear medicine technologist" means an individual who performs nuclear medicine procedures while under the supervision of an authorized user. The classifications are as follows:

1. "General nuclear medicine technologist" performs any nuclear medicine procedures and may perform computed tomography for attenuation correction during PET/CT or SPECT/CT only.

2. "Limited nuclear medicine technologist" performs nuclear medicine procedures only as approved by the department at the time the initial permit was issued.

"Permit" means the document issued to an individual by the department when the individual has met the requirements of this chapter. This document authorizes the individual to perform the duties allowed for the classification of permit issued.

"Radiation therapist" means an individual who performs radiation therapy under the supervision of a radiation oncologist licensed in Iowa.

"Radiation therapy" means the science and art of performing simulation radiography or applying ionizing radiation emitted from X-ray machines, particle accelerators, or radioactive materials in the form of sealed sources to human beings for therapeutic purposes.

"Radiography" means a technique for generating and recording an X-ray pattern for the purpose of providing the user with an image(s) during or after termination of the exposure.

"Radiologic technologist" means an individual, excluding X-ray equipment operators, who performs radiography of the human body as ordered by an individual authorized by Iowa law to order radiography. The classifications are as follows:

1. "General radiologic technologist" performs radiography and computed tomography of any part of the human body.

2. "Limited radiologic technologist" performs radiography for the chest, spine, extremities, shoulder or pediatrics, excluding computed tomography and fluoroscopy.

3. "Limited in-hospital radiologic technologist" performs radiography of any part of the human body as approved by the department at the time the initial permit was issued.

"Radiologist assistant" means an advanced-level radiologic technologist who has completed the necessary requirements in order to perform procedures as outlined in ARRT guidance while under supervision of a radiologist.

"Student" means an individual enrolled in and participating in formal education.

"Therapeutic" means a medical treatment using radiation for therapy purposes.

"X-ray equipment operator" means an individual performing radiography of the human body using dedicated equipment as ordered by an individual authorized by Iowa law to order radiography. These individuals do not qualify for a permit in any other classification. The classifications are as follows:

1. "Podiatric X-ray equipment operator" performs radiography of only the foot and ankle using dedicated podiatric equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.

2. "Bone densitometry equipment operator" performs bone densitometry using only dual energy X-ray absorptiometry equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.

641—38.2(136C) Exemptions.

38.2(1) The following are exempt from obtaining a permit for the operation of radiation machines only as required by this chapter in accordance with Iowa Code chapter 136C.

a. A licensed physician.
b. A licensed physician assistant.
c. A licensed chiropractor.
d. A licensed dentist.
e. A licensed dental hygienist.
f. A licensed podiatrist.
g. An individual certified by the dental board in dental radiography.
h. A student as a part of the student's formal education.

38.2(2) The department may, upon application or upon its own initiative, grant such exemptions from the requirements of this chapter as it determines are authorized by law and will not result in undue hazard to public health and safety. Application for exemptions should be made in accordance with 441—Chapter 6.

641—38.3(136C) Permit application and renewal. An individual cannot operate ionizing radiation producing machines or administer radioactive materials for diagnostic or therapeutic purposes unless the individual possesses a current Iowa permit in the individual's classification of practice.

641—38.4(136C) Permit to practice—general radiologic technologist, nuclear medicine technologist, radiation therapist.

38.4(1) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the appropriate completed application.

c. Submit a nonrefundable $100 application fee.

d. Submit proof of a passing score on the ARRT general radiography examination, the NMTCB nuclear medicine examination, or the ARRT radiation therapist examination.

38.4(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.4(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $100 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial license.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.5(136C) Permit to practice as a general nuclear medicine technologist with computed tomography endorsement. An individual applying for a nuclear medicine diagnostic computed tomography endorsement shall:

38.5(1) Maintain an active permit to practice as a general nuclear medicine technologist. Endorsements shall not be held without an active permit.

38.5(2) Submit proof of a passing score on the ARRT or NMTCB computed tomography examination.

641—38.6(136C) Permit to practice as a radiologist assistant.

38.6(1) An individual applying for an initial permit shall:

a. Submit the appropriate completed application.

b. Submit a nonrefundable $100 application fee.

c. Submit proof of completion of formal education for a radiologist assistant.

d. Submit proof of one year of experience as a general radiologic technologist.

e. Submit proof of a passing score on the ARRT radiologist assistant examination or another examination that is recognized by the department.

38.6(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit. Radiologist assistant permit holders must obtain at least one-half of the required continuing education in subject areas specific to radiography. The remainder may be earned as physician credit hours.

38.6(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $100 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 50.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.7(136C) Permit to practice as a limited radiologic technologist with categories of chest, spine, extremities, shoulder, pediatric. An individual with a limited radiologic technologist permit can perform radiography only within the scope of the category(ies) in which the permit is issued. Limited radiologic technologists may use portable/mobile radiography equipment. The facility must maintain proof of the completion of training on specific portable/mobile equipment as part of the facility's radiation protection program.

38.7(1) The scope of each category is defined as follows:

a. "Chest" allows the permit holder to perform radiography of the lung fields, including the cardiac shadow, as taught in the limited radiography formal education standards. Chest radiograph techniques cannot be manipulated for the evaluation of the shoulder, clavicle, scapula, ribs, thoracic spine and sternum. Limited radiologic technologists who have completed the appropriate formal education after January 1, 2009, may perform lateral decubitus chest views.

b. "Extremities" allows the permit holder to perform radiography for body parts from:

(1) The distal phalanges of the foot to the head of the femur, including its articulation with the pelvic girdle. True hip radiographs are prohibited.

(2) The distal phalanges of the hand to the head of the humerus. These projections may include the acromioclavicular or glenoid-humeral areas. The radiograph shall not include any of the views in the shoulder category unless the individual holds a limited radiologic technologist permit that includes the shoulder category.

c. "Spine" allows the permit holder to perform radiography of the spine in the approved areas only. Approved areas and limitations are described as:

(1) Cervical vertebrae.

(2) Thoracic (dorsal) vertebrae.

(3) Lumbar vertebrae to include the articulations with the sacrum and coccyx and the sacral articulation with the pelvic girdle. True pelvis radiographs or other projections performed with the image receptor positioned perpendicular to the long axis of the torso are prohibited under this category.

(4) All projections shall be performed as taught in the limited radiologic technologist formal education standards.

d. "Shoulder" allows the permit holder to perform radiography of the shoulder in the approved projections only. Approved projections and limitations are described as:

(1) AP internal and external rotation.

(2) AP neutral.

(3) Transthoracic lateral views.

(4) Scapular "Y" lateral.

(5) The image cannot include the proximal end of the clavicle on any AP projection. All other shoulder views are prohibited. The permit holder must hold a limited radiologic technologist permit with a category of either chest or extremity in order to be granted the shoulder category.

e. "Pediatric" allows the permit holder to perform radiography of either chest or extremities or both as defined in this chapter for patients aged 36 months and under. The permit holder must hold a limited radiologic technologist permit with the minimum categories of chest or extremities or both in order to qualify for pediatric radiography. This designation allows permit holders to perform

pediatric radiography within the permit classifications listed on their permit only. All other projections on pediatric patients by limited radiologic technologists are prohibited.

38.7(2) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the appropriate completed application.

c. Submit a nonrefundable $100 application fee.

d. Submit proof of completion of formal education in all limited diagnostic radiography categories for which the individual is applying. In order to apply for the shoulder category, the individual needs to also apply for the chest or extremity category. In order to apply for the pediatric category, the individual must also apply for the chest or extremity category. Each individual making application to attend a formal education course provided by the department to fulfill these requirements must submit an application and nonrefundable fee of $200 to the department each time the individual attends a course.

e. Submit proof of completion of testing as applicable for each permit category for which the individual is applying on the limited radiologic technologist permit. No examination is required for the categories of shoulder or pediatric.

(1) The following are passing scores:

1. A score of at least 70 percent on the ARRT limited scope of practice in radiography examination core section and at least 70 percent on each category;

2. A score of at least 70 percent on the American Chiropractic Registry of Radiologic Technologists limited radiography examination; or

3. A score of at least 70 percent on a department-approved examination.

(2) Three failed attempts on the examination will require the individual to repeat the formal education or complete a department-approved review program.

(3) Each individual making application to take an examination as a limited radiologic technologist in must submit an application to the department each time the individual takes the examination. The individual must also submit the examination fee directly to the ARRT each time the individual takes the examination.

f. Submit proof of completion of formal education and examination in the category to be added and a nonrefundable $40 amendment fee to add chest, extremity, or spine category to an existing limited radiologic technologist permit. A score of at least 70 percent on each category is required.

g. Submit proof of completion of formal education and a nonrefundable $40 amendment fee to add shoulder or pediatric category to an existing limited radiologic technologist permit. No examination is required.

38.7(3) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 12.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.7(4) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $100 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all the requirements of obtaining an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 12.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.8(136C) Permit to practice as an X-ray equipment operator in podiatric radiography or bone densitometry (dual energy X-ray absorptiometry or DEXA). After January 1, 2015, all individuals performing only bone densitometry or other examinations using DEXA machines must hold a bone densitometry permit.

38.8(1) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the completed application.

c. Submit a nonrefundable $40 application fee.

d. Submit proof of completion of formal education that meets the department minimum training standards. Each individual applying to attend an X-ray equipment operator formal education course provided by the department must submit an application and nonrefundable fee of $150 to the department each time the individual attends the course.

e. Submit proof of at least a 70 percent score on a department-approved examination.

(1) Three failed attempts on the examination will cause the individual to repeat the formal education or complete a department-approved review program.

(2) Each individual applying to take an examination as an X-ray equipment operator must submit an application and nonrefundable fee of $100 to the department each time the individual takes the examination.

38.8(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $40 renewal fee.

b. Report four hours of continuing education obtained within the biennium indicated on the individual's permit.

38.8(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $100 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, four hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.9(136C) Closed classification or category permits.

38.9(1) The following classifications or categories are closed to new applicants. Permits in the following classifications or categories that are expired for more than six months are not eligible to be reinstated, and individuals shall maintain current permits as outlined below:

a. Limited nuclear medicine technologist shall:

(1) Perform nuclear medicine procedures for which the individual is qualified and has been authorized by the department.

(2) Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

(3) Report 12.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

b. Limited radiologic technologist paranasal sinus shall:

(1) Perform diagnostic radiography procedures, excluding CT and fluoroscopy, specific to paranasal sinus.

(2) Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

(3) Report six hours of continuing education obtained within the biennium indicated on the individual's permit.

38.9(2) An individual renewing a permit expired less than six months shall submit the following:

a. Application to reinstate and nonrefundable $150 application fee.

b. Any continuing education hours due at time of renewal.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.10(136C) Combining permits for an individual qualifying for permits in more than one classification.

38.10(1) An individual applying for an initial permit in more than one classification at the same time shall combine classifications on one permit by:

a. Indicating each classification on the appropriate completed application;

b. Submitting the required documentation for each classification as outlined in each classification section; and

c. Submitting a nonrefundable $150 application fee.

38.10(2) Permit holders can add a classification to an existing permit by:

a. Completing the appropriate application;

b. Submitting the required documentation as outlined in the rule specific to the classification to be added; and

c. Submitting a nonrefundable $40 fee.

38.10(3) An individual renewing a combined classification permit must submit the appropriately completed renewal application and submit a nonrefundable $110 renewal fee.

38.10(4) An individual shall submit a total of 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit. If the permit includes the radiologist assistant classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.10(5) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and a nonrefundable $150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of submitting an initial application.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted. If the permit includes the radiologist assistant classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.11(136C) Submission of proof of completion of continuing education by permit holder to meet continuing education requirements to renew or reinstate a permit.

38.11(1) A permit holder who has a current ARRT or NMTCB registration that has been renewed within 60 days prior to the submission of the permit renewal application required by these rules shall be credited the number of hours recognized by the ARRT or NMTCB registration or must submit proof of completion of continuing education activities recognized by ARRT or NMTCB.

a. Acceptable proof of completion is documentation signed and dated by the continuing education provider that includes the participant's name, title of the activity, approval number for the activity, dates of attendance, number of contact hours for the activity, name of the approving organization, and signature of the sponsor or instructor or authorized representative of the sponsor or instructor.

b. Continuing education activities cannot be repeated for credit in the same biennium but may be repeated across different biennia.

38.11(2) Podiatric X-ray equipment operator permit holders may submit activities as described in this chapter or may submit activities sponsored by the American Podiatric Medical Association or the Iowa Podiatric Medical Society.

a. Acceptable proof of completion must be documentation signed and dated by the continuing education provider that includes the participant's name, title of the activity, approval number for the activity, dates of attendance, and number of contact hours for the activity; the name of the approving organization; and the signature of the sponsor or instructor or authorized representative of the sponsor or instructor.

b. Continuing education activities that are lecture presentations cannot be repeated for credit in the same biennium.

c. All continuing education activities that are not lecture presentations cannot be repeated for credit in the same or any subsequent biennium.

641—38.12(136C) Requirements for formal education. Formal education has to meet the following minimum requirements:

38.12(1) General radiologic technology formal education must be recognized by the ARRT to allow students to qualify for the general radiography examination.

38.12(2) Nuclear medicine technology formal education must be recognized by the ARRT or NMTCB to allow students to qualify for the nuclear medicine technology examination.

38.12(3) Radiation therapy formal education must be recognized by the ARRT to allow students to qualify for the radiation therapy examination.

38.12(4) Radiologist assistant formal education must provide training to allow students to qualify for a department-approved radiologist assistant examination.

38.12(5) Limited radiologic technologist formal education must meet the minimum standards specified in this chapter.

38.12(6) X-ray equipment operator formal education must meet the minimum standards as outlined in this chapter.

641—38.13(136C) Standards for formal education for limited radiologic technologists.

38.13(1) The formal education may be a single offering that meets all standards of all categories, or it may be offered individually specific to the category the provider wishes to offer.

38.13(2) The following are the minimum standards:

a. A principal instructor shall:

(1) Be an Iowa-licensed chiropractor teaching spine and extremities categories only;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or

(3) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

b. A clinical instructor shall:

(1) Be an Iowa-licensed chiropractor teaching spine and extremities categories only;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography;

(3) Be an Iowa-permitted limited radiologic technologist in the category of instruction and have at least two years of current experience in radiography; or

(4) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor may also act as clinical instructor, if applicable.

e. Classroom and clinical standards are listed below:

Category	Classroom Hours	Clinical Practice Projections	Clinical Competency Projections
Core: completed by all trainees	60		
Chest	20	30 PA or LAT	5 PA, 5 LAT
Upper extremity	20	30 (any projections)	10 (only 2 of any projection allowed)
Lower extremity	20	30 (any projections)	10 (only 2 of any projection allowed)
Shoulder	20	20 (any projections)	6 (only 2 of any projection allowed)

Category	Classroom Hours	Clinical Practice Projections	Clinical Competency Projections
Spine	20	30 (any projections)	10 (only 2 of any projection allowed)
Pediatric: add on to chest	8 of initial pediatrics	20 (any projections)	2 PA, 2 LAT
Pediatric: add on to upper extremity	8 of initial pediatrics	20 (any projections)	10 (only 2 of any projection allowed)
Pediatric: add on to lower extremity	8 of initial pediatrics	20 (any projections)	10 (only 2 of any projection allowed)

(1) All competency testing for limited radiography shall be directly supervised by the principal or clinical instructor, can only begin after the classroom hours in a category have been completed, and cannot begin until after the clinical site has been approved by the department using the Initial Clinical Site Form.

(2) Clinical instructors shall directly supervise all students before a student's competency for a specific projection is documented and indirectly supervise after the student's competency for a specific projection is documented.

(3) Current permit holders completing formal education to add a category do not need to repeat the core curriculum.

38.13(3) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.13(4) Administrative items for all formal education. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

641—38.14(136C) Standards for formal education for X-ray equipment operators in podiatric radiography.

38.14(1) The following are the minimum standards:

a. A principal instructor shall:

(1) Be an Iowa-licensed podiatrist;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or

(3) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

b. A clinical instructor shall:

(1) Be an Iowa-licensed podiatrist; or

(2) Be an Iowa-permitted limited radiologic technologist in the category of extremities and have at least two years of current experience in radiography;

(3) Be an Iowa-permitted X-ray equipment operator in podiatry and have at least two years of current experience in radiography;

(4) Be an Iowa-permitted general radiologic technologist and have at last two years of current experience in radiography; or

(5) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor may also act as clinical instructor, if applicable.

e. The following are classroom and clinical standards:

(1) A minimum of eight hours of classroom instruction to include radiation safety, equipment operation, patient care, and anatomy.

(2) Clinical instruction to include positioning and a minimum of 20 projections excluding the competency projections.

(3) Clinical competency projections to include ten projections with only two of any single projection allowed to count toward the competency projections.

(4) All competency testing to be directly supervised by the principal or clinical instructor.

(5) Clinical instructors to directly supervise all students before a student's competency for the specific projection is documented and indirectly supervise after the student's competency for the specific projection is documented.

38.14(2) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.14(3) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time request further documentation.

641—38.15(136C) Standards for formal education for X-ray equipment operators in bone densitometry.

38.15(1) The following are the minimum standards:

a. A principal instructor shall have at least two years of current experience in radiography and bone densitometry and:

(1) Be an Iowa-permitted general radiologic technologist; or

(2) Hold a current ARRT registration if the clinical site is located outside of Iowa.

b. A clinical instructor shall have at least two years of current experience in radiography and bone densitometry and shall:

(1) Be an Iowa-permitted limited radiologic technologist;

(2) Be an Iowa-permitted X-ray equipment operator in bone densitometry;

(3) Be an Iowa-permitted general radiologic technologist; or

(4) Hold a current ARRT registration if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor shall also act as clinical instructor, if applicable.

e. The following are classroom and clinical standards:

(1) A minimum of eight hours of classroom instruction to include radiation safety, equipment operation, quality control, patient care, and anatomy.

(2) Clinical instruction to include positioning and a minimum of ten projections excluding the competency projections.

(3) Clinical competency projections to include five projections.

(4) All competency testing to be directly supervised by the principal or clinical instructor.

(5) Clinical instructors to directly supervise all students before a student's competency for the specific projection is documented and indirectly supervise after the student's competency for the specific projection is documented.

38.15(2) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.15(3) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time request further documentation.

38.15(4) Application to reinstate and nonrefundable $150 application fee.

a. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 38.5(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 50.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.16(136C) Administrative items and grounds for disciplinary action.

38.16(1) A nonrefundable $40 fee will be assessed for each check returned for any reason. All fees for returned checks plus original fees must be paid by certified bank check or money order.

38.16(2) A permit is valid from the date of issuance until the expiration date unless otherwise revoked or suspended.

38.16(3) The department may at any time request further documentation to ensure compliance with these rules.

38.16(4) The permit holder shall make the permit available at the individual's place of employment. If the permit holder works at more than one facility, a duplicate of the permit shall be kept at each facility.

38.16(5) The permit holder must maintain proof of continuing education for at least three years.

38.16(6) Continuing education obtained to satisfy disciplinary or enforcement action or as part of a corrective action plan cannot be reported to meet continuing education requirements.

38.16(7) All permit holders are subject to a department audit at any time.

641—38.17(136C) Rules of conduct, self-reporting requirements, and enforcement actions for all permit holders or applicants.

38.17(1) *Rules of conduct.* These are mandatory standards of minimally acceptable professional conduct intended to promote the protection, safety, and comfort of patients. Any individual who fails to meet or allows any other individual to fail to meet the following standards may be subject to enforcement actions as outlined in this chapter. The following are grounds for disciplinary action:

a. Failing to perform with reasonable skill and safety all procedures accepted under this chapter's educational guidelines and allowed under the individual's permit.

b. Operating as a permitted individual without meeting the applicable requirements of this chapter. This includes performing procedures not allowed under the individual's current permit.

c. Failing to report immediately to the department any individual who may be operating as a permit holder and who does not meet the requirements of this chapter.

d. Engaging in any practice that results in unnecessary danger to a patient's life, health, or safety. This includes delegating or accepting the delegation of any function when the delegation or acceptance could cause unnecessary danger.

e. Engaging in any action that the department determines may jeopardize the health and safety of the public, other staff, or the permit holder. These actions can include but are not limited to:

(1) A misdemeanor or felony that may impair or limit the individual's ability to perform the duties authorized by the individual's permit.

(2) Any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity.

(3) Being found guilty of incompetence or negligence during the individual's performance as a permit holder.

f. Failing to conform to applicable state and federal statutes and rules. This includes any action that might place a facility in noncompliance with Iowa statutes and rules.

g. Practicing when there is an actual or potential inability to perform with reasonable skill and safety due to illness; due to use of alcohol, drugs, chemicals, or any other material; or as the result of any mental or physical condition.

h. Engaging in any unethical conduct or conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient.

i. Revealing privileged communication from or relating to former or current patients, except as permitted by law.

j. Improperly managing patient records, including failing to maintain adequate records; failing to furnish records; or making, causing, or allowing anyone to make a false, deceptive, or misleading entry into a patient record.

k. Providing false or misleading information that is directly related to the care of a former or current patient.

l. Interpreting or rendering a diagnosis for a physician based on a diagnostic image or prescribing medications or therapies.

m. Failing to immediately report to a supervisor information concerning an error made in connection with imaging, treating, or caring for a patient. This includes any departure from the normal standard of care and any behavior that is negligent.

n. Employing fraud or deceit to obtain, attempt to obtain or renew a permit under this chapter or in connection with a certification or license issued from a certifying or licensing entity. This includes altering documents, failing to provide complete and accurate responses or information, indicating falsely in writing that a permit is valid when that is not the case, or any form of examination subversion.

o. Failing to provide truthful, accurate, unaltered, or nondeceptive information related to continuing education activities to the department or a recordkeeper.

p. Assisting others to provide false, inaccurate, altered, or deceptive information related to continuing education to this department or a recordkeeper. This includes sharing answers, providing or using false certificates of participation, or verifying continuing education hours that have not been earned.

q. Failing to pay all fees or costs to meet the requirements of this chapter. Penalties for working without a current permit will be considered on a case-by-case basis.

r. Failing to respond to an audit request or failing to provide proper documentation.

s. Submitting false information to a facility that might place the facility in noncompliance with any federal or state statutes or laws.

t. Engaging in any conduct that subverts or attempts to subvert a department investigation.

u. Failing to comply with a subpoena issued by the department or failure to cooperate with an investigation by the department.

v. Failing to comply with the terms of a department order or the terms of a settlement agreement or consent order.

w. Engaging in sexual harassment of a patient, student, or supervisee. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal and physical conduct of a sexual nature.

x. Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

y. Having a permit, license, or certification related to the classification of the permit issued to the individual suspended or revoked or having other disciplinary action taken by a licensing or certifying authority of this state or another state, territory, or country. A copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

z. Failing to respond within 30 days of receipt of communication from the department.

38.17(2) *Self-reporting.* Each permit holder shall:

a. Submit a report to the department within five days of the final disposition of all criminal proceedings, convictions, or military court-martials involving alcohol or illegal drug use while operating as a permit holder; sex-related infractions; or patient-related infractions in any state, territory, or country.

b. Submit a written report to the department within five days of the initial charge and within five days of the final disposition of any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity, or any disciplinary action brought against the individual by an employer or patient.

c. Report potential ethics violations (including state licensing issues and criminal charges and convictions) within 30 days of the occurrence or during the permit holder's annual renewal process, whichever comes first.

38.17(3) *Enforcement actions.* Enforcement actions may include but are not limited to denial, probation, suspension or revocation of a permit, directed corrective action, and civil penalty.

641—38.18(136C) Procedures for demand for information, notice of proposed action, and orders for penalties, suspensions, revocations, and civil penalties for all individuals under this chapter. These actions may be imposed on any permit holder who violates any rule in this chapter.

38.18(1) *Demand for information.*

a. The department may issue a demand for information for the purpose of determining whether any further action will be taken. The demand will state the alleged violations and allow the individual 20 days from the date of the letter to file a written answer with the department.

b. The individual must file a written answer to the department. The answer shall specifically admit or deny each allegation or charge made in the demand for information and provide fact and law on which the answer relies; set forth reasons why the demand should not have been issued; and if the requested information is not provided, the reasons why it is not provided.

c. Upon review of the answer, the department may institute the next level of proceeding or consider the matter closed. If no answer is filed, the department will institute the notice of proposed action.

38.18(2) *Procedures for enforcement actions.*

a. Notice of proposed action.

(1) In response to an alleged violation of any provision of the Iowa Code, these rules, or any order issued by the department, the department may issue a written notice of proposed action. The notice of proposed action will concisely state the alleged violation(s), the action the department is proposing, the time period in which a written response must be received, and the process for requesting a hearing.

(2) A written response has to state any facts, explanations, or arguments denying the violations or demonstrate any extenuating circumstances, error in the notice, or other reason why the proposed action should not be imposed. Responses may also request remission or mitigation of any penalty.

(3) If a request for a hearing is received within the allotted time period, the proposed action is to be suspended pending the outcome of the hearing. Prior to or at the hearing, the department may rescind the notice of proposed action upon satisfaction that the reason for the proposed action has been resolved.

(4) If no answer is filed, the department will institute the order.

b. Order. An order may be issued upon response to the notice of proposed action or if no answer to the notice has been filed. The order may institute a proceeding to impose a penalty or suspend, revoke, or place on probation the individual's permit or issue a civil penalty. An order will concisely state the violation(s), the action the department has imposed, the effective date of the order, the time period for written response to be received by the department, and the process for requesting a hearing. If there has been consent in writing to the notice of proposed action, no written response to the order is necessary.

(1) If a request for a hearing is received within the allotted time period, the proposed action of the order is suspended pending the outcome of the hearing. Prior to or at the hearing, the department may rescind the order upon satisfaction that the reason for the proposed action has been resolved.

(2) If no answer is filed, the department will institute the order. A consent to the order constitutes a waiver to a hearing, findings of fact and conclusions of law, and of all right to seek department and judicial review or to contest the validity of the order in any form as to those matters that have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to has the same force and effect as an order made after hearing by a presiding officer or the department and is effective as provided in the order. Failure to comply with an order either consented to or validated by a hearing officer will result in further enforcement action.

c. Civil penalty. Before instituting any proceeding to impose a civil penalty, the department will serve written notice of violation upon the individual charged. This notice will be included in the notice of proposed action or order issued. The notice of proposed action or order specifies the amount of each proposed penalty for each alleged violation. The notice or order will state that the amount charged may be paid as specified or protested in its entirety or in part. Upon final action of a civil penalty, payment must be made within the specified time stated in the order or the department may refer the matter to the attorney general for collection.

d. Settlement and compromise. At any time after the issuance of a notice or order designating the time and place of hearing in response to an order, the department and the regulated individual may enter

into a stipulation for a settlement or compromise of the notice or order. The stipulation of compromise shall be subject to approval by the designated presiding officer or, if none has been designated, by the chief administrative law judge. The presiding officer or chief administrative law judge may order such adjudication of the issued notice or order as deemed to be in the public interest to dispose of the proceeding. If approved, the terms of the settlement or compromise shall be embodied in a decision or order settling and discontinuing the proceeding.

These rules are intended to implement Iowa Code sections 136C.3, 136C.4, 136C.5, 136C.10, and 136C.14.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/13/26.

ARC 0289D

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to radon testing and analysis requirements

The Department of Health and Human Services hereby rescinds Chapter 43, "Minimum Requirements for Radon Testing and Analysis," and adopts a new Chapter 43, "Radon Testing and Analysis Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 136B and 280.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 136B and 280.

Purpose and Summary

This chapter was reviewed pursuant to Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9752C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0081D**. Public hearings were held on the following date(s):

- December 16, 2025
- March 4, 2026

No one attended the public hearings. No public comments were received. No changes from the Amended Notice of Intended Action have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 8, 2026.

Fiscal Impact

The State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department has removed the recurring late fees from these chapters and instead added a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund. This rulemaking also increases the returned check fees for licensing applications from $25 to $40. The Department assessed one returned check fee in SFY 2025 and SFY 2026, and thus the fiscal impact of that change is expected to be minimal.

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 July 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 43 and adopt the following **new** chapter in lieu thereof:

CHAPTER 43
RADON TESTING AND ANALYSIS REQUIREMENTS

641—43.1(136B) General provisions. This chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories. All persons performing measurements for radon or radon progeny in buildings, other than those that they own, and who provide the results of these measurements to the owner or occupant of these structures, must be certified in accordance with the provisions of this chapter.

641—43.2(136B) Definitions. The definitions provided in 641—Chapter 44 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter.

"Act" means the Iowa Radon Testing and Abatement Act (Iowa Code chapter 136B).

"ANSI" means the American National Standards Institute.

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, and designed for the housing, shelter, enclosure and support of individuals.

"Certified person" means a certified radon measurement specialist or certified radon measurement laboratory as defined by this chapter.

"Certified radon measurement laboratory" or *"certified laboratory"* means a commercial laboratory that may analyze samples or test for radon decay products and meets the provisions for certification in this chapter.

"Certified radon measurement specialist" or *"certified specialist"* means an individual who performs radon or radon progeny measurements in buildings and provides professional or expert advice on radon and radon progeny measurements, radon entry routes, and other radon-related activities; is knowledgeable in the health risk associated from exposure to radon; and who meets the provisions for certification in this chapter. This includes the initial placement and final retrieval of all measurement devices.

"Compensation" means any form of monetary gain that in any way directly or indirectly results from a radon or radon progeny measurement being conducted.

"EPA" means the United States Environmental Protection Agency.

"IEA" means the Indoor Environments Association formerly known as the American Association of Radon Scientists and Technologists (AARST).

"Laboratory" means any person performing analysis, not at a testing site, on a passive device to measure radon or radon progeny (charcoal canister, alpha-track, electret, etc.).

"NRPP" means the National Radon Proficiency Program facilitated by the Indoor Environments Association (IEA) formerly known as the AARST.

"NRSB" means the National Radon Safety Board.

"Online licensing portal" means the electronic system designated by the department through which applicants and certification holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, department, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but cannot include federal government agencies.

"Picocuries per liter" means a quantity of radioactive material per liter of air that will produce 2.2 disintegrations per minute of radiation. It may be used as a measure of the concentration of radon gas in air. One curie is equivalent to one trillion picocuries.

"pCi/L" means a measurement of radon in picocuries per liter.

"Radon" means the radioactive noble gas radon-222.

"Radon progeny" means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214, and polonium-214.

641—43.3(136B) General regulatory requirements.

43.3(1) Except as provided in this chapter, no person may test for the presence of radon or radon progeny in the state of Iowa unless the person has been certified by the department. This requirement also applies to persons whose place of business is located in Iowa, or in a state other than Iowa, and who offer radon testing to residents of Iowa either directly, through the mail, or by other means.

43.3(2) Individual qualifications for radon measurement specialist. No individual may be certified as a radon measurement specialist unless all of the following conditions are met:

a. Be at least 18 years of age at the time of application;

b. Successfully complete a department-approved training course on radon/radon progeny measurements within the two years prior to application. An approved training course is a course that meets and maintains approval by the NRPP or the NRSB. This includes the NRPP Radon Measurement Professional or NRSB Radon Measurement Specialist course;

c. Achieve or exceed the minimum passing score on the national measurement professional or specialist examination provided by the NRPP or the NRSB within the two years prior to application;

d. If the requirement to meet the conditions in this chapter within the two years prior to application above cannot be met, the person may demonstrate current radon licensure, certification, or credentialing through another jurisdiction or licensing body deemed acceptable by the department;

e. Use detection devices approved by the NRPP, the NRSB, or another department-approved national radon proficiency program to measure radon. Passive detection devices must be obtained from an Iowa-certified radon measurement laboratory.

43.3(3) Requirements for continued certification. Requirements for continued certification include the following:

a. A certified person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to access the person's facilities, offices, records, and equipment without undue delay for purposes of inspection and examination. The certified person shall also allow the department, its agents, employees, and contractors to accompany the person during the performance of any radon measurement activities, for the purpose of inspecting such activities, subject to the consent of the property owner or resident on whose property the activities are being performed.

b. The certified person shall remain in compliance with the Act and this chapter.

c. The certified person shall comply with all EPA, ANSI/AARST and department-approved radon measurement and quality assurance/quality control (QA/QC) guidelines, protocols, and standards and shall conduct measurements following the standard applicable to the building being tested. The standards include the following:

(1) ANSI/AARST MS-QA-2023, *Radon Measurement Systems Quality Assurance*, as amended to August 1, 2025.

(2) ANSI/AARST MAH-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes*, as amended to August 1, 2025.

(3) ANSI/AARST MA-MFLB-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings*, as amended to August 1, 2025.

NOTE: MA-MFLB consolidates ANSI/AARST MAMF (rev. 1/21) and ANSI/AARST MALB (rev. 1/21) into a single publication.

641—43.4(136B) Application for certification. An application for certification or renewal of certification as a radon measurement specialist or a radon measurement laboratory shall be completed through the online licensing portal and shall contain complete and accurate information. The applicant must report any changes to the initial or renewal certification application within 14 days.

43.4(1) *Radon measurement specialist.* A person applying for a radon measurement specialist certification shall include:

a. A certificate of completion of the initial training course. If the course was completed more than two years prior to the date of the application, the person shall provide documentation that the person has completed an average of at least four hours of approved continuing education (CE) training per year since completing the course.

b. Official documentation of the test score obtained on the NRPP, NRSB, or other department-approved radon measurement examination taken within two years prior to application, showing a minimum passing score.

c. As an alternative to paragraphs 43.4(1)*"a"* and *"b,"* applicants may provide documentation of current licensure, certification, or credentialing through another jurisdiction or licensing body acceptable to the department.

d. A QA/QC plan, or QAP, for all measurement devices and equipment to be used to perform radon measurements.

(1) The plan shall include the requirements as outlined in the ANSI/AARST standard, *Radon Measurement Systems Quality Assurance* (MS-QA), as amended to August 1, 2025, and be acceptable to the department.

(2) If passive devices are used, the name(s), address(es), and Iowa laboratory certification number of the Iowa-certified radon measurement laboratory must be included.

e. A list of any disciplinary actions taken against the applicant's license, credential, certification, registration in any profession in Iowa, another state or jurisdiction and a copy of the disciplinary action(s), including charges and disposition.

f. An example of the confidentiality waiver that the applicant would provide to the customer when requested to release test results to persons other than the owner of the building being tested, as outlined in this chapter.

g. The fee specified in this chapter.

43.4(2) *Radon measurement laboratory.* A person applying for a radon measurement laboratory certification must include:

a. Proof of approval or accreditation as a radon measurement laboratory through the NRPP or NRSB.

b. A quality assurance plan and quality control procedures for all measurements and equipment. The content of the QAP plan will follow the requirements of the ANSI/AARST MS-QA and any requirements of NRPP or NRSB.

c. The fee specified in this chapter.

43.4(3) *Supplementary statements.* The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved or denied, or whether a previously issued certification should be amended, suspended, or revoked. Each application or supplementary statement shall be submitted by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

43.4(4) *Expiration of notice of certification.* Certifications will expire annually.

a. Radon measurement activities subject to this chapter cannot be conducted after the expiration of the certification unless a renewal application has been submitted to the department, is determined to be complete, and is approved by the department.

b. If the application is rejected, the applicant cannot conduct radon testing or measurements in the state of Iowa for compensation or under any financial arrangement.

43.4(5) *Renewal application of annual certification.* A person applying for a renewal of an annual certification shall:

a. Submit the appropriate application through the online licensing portal.

b. Have all radon testing activity and data reporting, as required by the department, up to date to within three months of the date of expiration.

c. Submit copies of CE completion certificates to the department biennially, based on the date of initial certification.

d. Pay the fee specified in this chapter.

(1) Any fees not paid through the online licensing portal must be in the form of a check or money order, made payable to the Iowa Department of Health and Human Services.

(2) The applicant must include an indication of the purpose of the fee (i.e., radon measurement certification) and certification number that the fee is to be applied to on the check or money order.

43.4(6) *Radon measurement laboratory renewal.* Any person wishing to renew a radon measurement laboratory certification must:

a. Submit the appropriate application through the online licensing portal.

b. Have all radon testing activity and data reporting, as required by the department, up to date to within three months of the date of expiration.

c. Submit proof of current approval or accreditation as a radon measurement laboratory through the NRPP or NRSB.

d. Pay the fee specified in this chapter.

43.4(7) *Reinstatement of an expired certification.* Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date. Any person wishing to reinstate an expired radon measurement certification must:

a. Submit the required application and CE documentation that was due at time of expiration. If it has been more than two years since expiration, eight hours of CE must be completed with four of those hours being an approved measurement standards review course; and

b. Pay the applicable certification and reinstatement fees.

641—43.5(136B) Radon measurement certification fees. Any person wishing to become certified as a radon measurement specialist or as a radon measurement laboratory shall be required to pay nonrefundable fees in amounts sufficient to defray the cost of administering this chapter as outlined in the fee schedule below.

43.5(1) *Initial application fee.* Each person applying for certification under the provisions of this chapter shall pay a nonrefundable $25 application fee.

43.5(2) *Annual certification fee.*

a. Each person applying for initial certification or applying for renewal of an annual certification as a radon measurement specialist must pay a nonrefundable annual fee of $250.

b. Each person applying for initial certification or applying for renewal of an annual certification as a radon measurement laboratory must pay a nonrefundable annual fee of $500.

43.5(3) *Returned check and reinstatement fee.* Persons who fail to pay required fees to the department are subject to the following penalty(ies):

a. $40 for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

b. $100 reinstatement fee when a certification has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual certification fee.

641—43.6(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the certification of a person; place a person on probation; impose a civil penalty; or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a certified person or a person who is not certified has committed any of the following actions:

43.6(1) Failure to comply with applicable state, federal or local statutes and regulations. This includes any action that might place a person with certification under this chapter in noncompliance with Iowa statutes and the requirements of this chapter;

43.6(2) Failure to submit required information or notifications in a timely manner;

43.6(3) Failure to maintain the required records;

43.6(4) Falsifying approval records, qualifications, or other information or documentation related to certification approval;

43.6(5) Failure to comply with the training standards and requirements in this chapter;

43.6(6) Submitting in the application for certification or renewal of certification false or misleading statements that the department relied upon in approving the application;

43.6(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practices that are harmful or detrimental to the public. Proof of actual injury need not be established;

43.6(8) Using untruthful or improbable statements in advertisements. Use of these statements includes but is not limited to the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation;

43.6(9) Falsifying reports and records required by this chapter;

43.6(10) Accepting any fee by fraud or misrepresentation;

43.6(11) Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board;

43.6(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order;

43.6(13) Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed;

43.6(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail;

43.6(15) Engaging in any conduct that subverts or attempts to subvert a department investigation;

43.6(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation;

43.6(17) Failure to pay costs assessed in any disciplinary action;

43.6(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence that would warrant the department's refusal to grant a certification on an original application;

43.6(19) Failure to maintain approval or accreditation as a radon measurement laboratory with the NRPP or NRSB;

43.6(20) Failure to submit radon test data as required in this chapter;

43.6(21) Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

641—43.7(136B) Records and reporting requirements.

43.7(1) A certified person must submit to the department within 30 days after any radon or radon progeny testing, or at the request of the department prior to testing, all of the following:

a. The address or location of the building;

b. The name and telephone number of the owner(s) of the building where the radon testing will be conducted;

c. The results of any tests performed.

43.7(2) The results for each test conducted shall include, at a minimum:

a. The method used for radon or radon decay product testing, media tested, and conditions under which the testing was or will be performed.

b. The level or floor of building where the test(s) was or will be conducted.

c. The results of the test(s) in picocuries/liter (pCi/l) of radon gas or WL of radon decay products.

d. The date on which the test(s) was or will be conducted.

e. The purpose of the test(s).

43.7(3) Requirements of certification. A certified person shall:

a. Cooperate with the department when conducting field evaluations.

b. Notify the department within 14 days of any changes in testing results or procedures.

c. Not disclose to any other person, other than the department, the results of a test, the address, or the name of the owner of a nonpublic building that the person tested for the presence of radon gas or radon progeny, unless any of the following conditions are met:

(1) The owner of the building waives, in writing, this right of confidentiality.

(2) The person certified or credentialed pursuant to Iowa Code section 136B.1 may disclose the results of a test performed by the person for the presence of radon or radon progeny to a potential buyer of a nonpublic building when an offer to purchase has been presented by the buyer and if the potential buyer paid for the testing. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

43.7(4) Record retention. Records of radon or radon progeny testing must be maintained for a minimum of five years after the radon test is completed.

641—43.8(136B) Continuing education.

43.8(1) All certified measurement specialists must complete at least eight hours of department-approved CE biennially on either radon measurement, mitigation or a combination of the two.

43.8(2) Persons possessing both an Iowa Measurement Specialist certification and Mitigation Specialist credential must complete 12 hours of CE biennially on either radon measurement, mitigation, or a combination of the two.

43.8(3) Department-approved CE course is a course approved by either the NRPP, NRSB for CE or other courses approved by the department.

641—43.9(136B,280) School district employee measurement training. This section outlines the department's responsibilities for department-approved training program requirements for school district employees who intend to perform radon testing within their employing district. In accordance with Iowa Code chapter 280, which governs radon testing and mitigation in schools and is enforced by the Iowa department of education, such employees must successfully complete a radon measurement training course approved by both the department and the Iowa department of education.

43.9(1) *Approved training programs.* Training programs cannot state that they have been approved by the state of Iowa unless they have done all of the following:

a. Met the requirements of this chapter;

b. Have been approved by the department;

c. Have been approved by the Iowa department of education;

d. Have been listed on the department's website.

43.9(2) *Training course requirements.* An approved training course shall be based on the measurement requirements as found in the ANSI/AARST MA-MFLB-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings,* as amended to August 1, 2025.

NOTE: MA-MFLB consolidates ANSI/AARST MAMF (rev. 1/21) and ANSI/AARST MALB (rev. 1/21) into a single publication).

Approved training courses must:

a. Consist, at a minimum, of five to eight instructional hours.

b. Cover, at a minimum, the following subjects that are directly applicable to the testing of school buildings:

(1) Introduction to radon and its health effects.

(2) Guidance for building managers.

(3) Review of measurement standards including:

1. Purpose and scope of testing;
2. Preparing a testing plan;
3. Test locations;
4. Testing procedures and options;
5. Quality control;
6. Conditions required before and during testing;
7. Documentation, test reports and recordkeeping;
8. Actions based on test results.

c. Conclude with a quiz to review the learned materials. The course attendee must pass the quiz with a score of 70 percent or better to receive the attendee's completion certificate.

43.9(3) *Certificate of completion.* The training provider shall provide a certificate of completion that contains, at minimum:

a. The name of the student;

b. The name of the course;

c. The course ID;

d. The name of the course provider;

e. The course date(s);

f. The number of hours for the course;

g. The signature and typed name of the training provider.

43.9(4) *Application for approval of a training course for school district employees.* A person or organization that plans to conduct or sponsor a training course shall apply to the department for approval of the course on an application furnished by the department. The application shall include:

a. The sponsoring organization's contact information;

b. The sponsoring organization's name;

c. The website URL (if any);

d. The contact person;

e. The mailing address;

f. The contact person's email address;

g. The contact person's telephone number;

h. The name of the course;

i. Whether the course was offered as a webinar online or in person;

j. The course agenda or course outline, including the approximate time allotted to each training segment;

k. A copy of the training materials provided to the student, such as manuals, notes, templates, or other materials provided to attendees;

l. A list of reference materials, texts and audiovisual materials used in the course;

m. A copy of the quiz for the course, containing at least 20 questions.

641—43.10(136B) Exemptions. The following are exempt from the certification requirements of this chapter:

43.10(1) Persons who test for radon or radon decay products in buildings that they own.

43.10(2) Persons who perform radon tests for no compensation.

43.10(3) State officials who are conducting radon testing as part of the state's radon testing program and are approved by the department.

43.10(4) Local officials who are acting on behalf of the state or administering a local program.

43.10(5) Officials who are conducting radon testing as part of government programs in the United States or contractors working for the United States government.

43.10(6) Persons providing radon or radon progeny measurement devices to the public, but not conducting physical tests for the presence of radon or radon progeny with the measurement devices, may do so under the following conditions:

a. They must provide measurement devices obtained from a laboratory certified in Iowa.

b. A valid visible expiration date must be permanently affixed to each measurement device.

c. In addition to the required laboratory instructions regarding measurement procedures, each measurement device must be accompanied by clear directions on where to obtain additional information and interpretation for test results. The certified laboratory or a certified specialist must be included as one of the sources of information and interpretation.

641—43.11(136B) Penalties. It is unlawful for an individual to function as a radon measurement specialist or radon measurement laboratory in violation of the provisions of the Iowa Radon Testing and Abatement Act or of any rule adopted pursuant to the Act. In addition to other sanctions provided in this chapter, persons convicted of violating the provisions of the Act or the rules adopted pursuant to the Act shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code section 136B.5.

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ARC 0290D

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to radon mitigation requirements

The Department of Health and Human Services hereby rescinds Chapter 44, "Minimum Requirements for Radon Mitigation," and adopts a new Chapter 44, "Radon Mitigation Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 136B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136B.

Purpose and Summary

This rulemaking pertains to one of eight chapters related to radiologic health matters regulated by the Department. Chapter 44 and the seven others were reviewed pursuant to Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9751C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0080D**. Public hearings were held on the following date(s):

- December 16, 2025
- March 4, 2026

No one attended the public hearings. Public comments were received after the comment period. The comments were from an Omaha company and largely pertained to adoption of American National Standards Institute (ANSI) and Indoor Environments Association (AARST) standards. While no changes from the Amended Notice of Intended Action have been made at this time, the Department has documented the comments for consideration in future amendments.

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 8, 2026.

Fiscal Impact

In this chapter, the Department is reducing the fee for out-of-state radon mitigation and measurement specialist fees. During SFY 2025, mitigation and measurement specialist fees for out-of-state applicants generated $1,000. With the reduction in fees for out-of-state applicants decreasing from $100 to $25 (the same as in-state providers), the Department estimates that there will be a reduction of approximately $750 in collected application fees. However, this reduction in regulatory burdens for out-of-state applicants may give way to an increase in out-of-state providers applying to be approved as radon mitigation or measurement specialists in Iowa. Application fees are used to offset administrative costs and do not contribute to the State's General Fund. In addition, the State of Iowa is moving to a new

licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department has removed the recurring late fees from these chapters and added a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund. This rulemaking also increases the returned check fees for licensing applications from $25 to $40. The Department assessed one returned check fee in SFY 2025 and SFY 2026, and thus the overall fiscal impact of that change is expected to be minimal.

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 July 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44
RADON MITIGATION REQUIREMENTS

641—44.1(136B) General provisions. This chapter establishes requirements for the credentialing of radon mitigation specialists. All persons performing abatement for radon or radon progeny in buildings, other than buildings that the persons occupy or are constructing for their own occupancy, must be credentialed in accordance with the provisions of this chapter.

44.1(1) The conversion of a passive mitigation system to an active mitigation system, or radon system modifications to an existing active system, must be performed by persons credentialed under this chapter.

44.1(2) Credentialed mitigation specialists are responsible for ensuring that all radon mitigation systems for which they are responsible are installed following guidelines provided in this chapter.

641—44.2(136B) Definitions. The definitions provided in 641—Chapter 43 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter:

"AARST" means the American Association of Radon Scientists and Technologists, also known as the IEA.

"Active mitigation system" means any system or materials installed as an active part of a ventilation system used for the purpose of reducing radon or radon progeny concentrations by means of an in-line fan.

"ANSI" means the American National Standards Institute.

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed with component structural parts, and designed for the housing, shelter, enclosure and support of individuals.

"Compensation" means any form of monetary gain that in any way directly or indirectly results from a radon or radon progeny measurement being conducted.

"Credentialed radon mitigation specialist" or *"mitigation specialist"* means an individual who evaluates diagnostic tests to determine appropriate radon or radon progeny mitigation strategies for a building, designs mitigation systems, installs or supervises the installation of radon or radon progeny mitigation techniques on buildings, and meets the requirements for credentialing provided by this chapter.

"Diagnostic tests" means tests performed or procedures used to determine appropriate mitigation methods for a building.

"EPA" means the United States Environmental Protection Agency.

"IEA" means the Indoor Environments Association formerly known as the American Association of Radon Scientists and Technologists (AARST).

"Mitigator" means a person who installs mitigation systems for the purpose of abating radon levels within buildings.

"NRPP" means the National Radon Proficiency Program facilitated by the IEA, formerly known as the AARST.

"NRSB" means the National Radon Safety Board.

"Online licensing portal" means the electronic system designated by the department through which applicants and credential holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Passive mitigation system" means any system or materials installed for the purpose of reducing radon or radon progeny concentrations without the use of an in-line fan and relying solely on the convective air flow upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to 12 inches above the roof.

"Picocurie per liter" means a quantity of radioactive material per liter of air that will produce 2.2 disintegrations per minute of radiation. It may be used as a measure of the concentration of radon gas in air. One curie is equivalent to one trillion picocuries.

"pCi/L" means a measurement of radon in picocuries per liter.

"Radon" means the radioactive noble gas radon-222.

"Radon system modification" means any change to an existing active radon mitigation system that alters its design, configuration, or operation, such as adding or relocating piping, fans, or suction points. This does not include routine replacement of parts with equivalent components that do not affect system function or layout.

"Radon progeny" means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214, and polonium-214.

"Working level" or *"WL"* means the concentration of radon progeny that will result in 130,000 million electron volts of alpha particle energy released per liter of air. Working level is a measure of radon decay product concentration in air.

"Working level month" or *"WLM"* means a cumulative exposure to radon decay products calculated by multiplying the radon daughter concentration in units of working levels by the number of hours exposed and dividing by 170.

641—44.3(136B) General regulatory requirements.

44.3(1) Except as provided in this chapter, no person may mitigate for radon or radon progeny in Iowa for a fee or other remuneration unless such person has been credentialed by the department. This requirement also applies to persons whose place of business is located in Iowa or in a state other than Iowa, and who offer radon mitigation services to residents of Iowa.

44.3(2) Individual qualifications for radon mitigation specialist. No individual may be credentialed as a radon mitigation specialist unless all of the following conditions are met:

a. Be at least 18 years of age at the time of application.

b. Possess three years of relevant professional work experience. Professional work experiences may include:

(1) Relevant postsecondary education, which may be substituted on a year-for-year basis for two of the three years of relevant professional work experience.

(2) Relevant professional work experience, which includes the design or construction of buildings, or associated heating, ventilation, and air-conditioning systems, or closely-related activities approved by the department.

(3) Relevant postsecondary education, which includes a college curriculum in architecture, engineering, building construction, or the physical sciences.

c. Successful completion of department-approved training courses on both radon and radon progeny measurements and on radon mitigation within the two years prior to application. An approved training course is a course that meets and maintains approval by the NRPP or the NRSB. For measurement, this includes the NRPP Radon Measurement Professional or NRSB Radon Measurement Specialist course and for mitigation this includes the NRPP or NRSB Radon Mitigation Specialist courses.

d. Achieve or exceed the minimum passing score on the national mitigation professional or specialist examination provided by the NRPP or the NRSB within the two years prior to application.

44.3(3) Requirements for continued credentialing. Requirements for continued credentialing include the following:

a. An Iowa credentialed person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to access to their facilities, offices, records, and equipment without undue delay for purposes of inspection and examination. The credentialed person shall also allow the department, its agents, employees, and contractors to accompany the person during the performance of any radon abatement activities, for the purpose of inspecting such activities, subject to the consent of the property owner or resident on whose property the activities are being performed.

b. The credentialed person shall remain in compliance with Iowa Code chapter 136B and this chapter.

c. The credentialed person shall comply with all requirements as stated in the ANSI/AARST mitigation standards as amended to August 1, 2025, applicable to the building being mitigated. The standards include the following:

(1) ANSI/AARST SGM-SF-2023, Soil Gas Mitigation Standards for Existing Homes

(2) ANSI/AARST SGM-MFLB-2023, Soil Gas Mitigation Standards for Existing Multifamily, School, Commercial and Mixed-Use Buildings

44.3(4) A credentialed person shall:

a. Fully cooperate with the department or its agents when field evaluations are conducted.

b. Be present during scheduled visits by the department.

c. Not disclose to any other person, except to the department or its agents, the addressee or owner of a nonpublic building, the radon levels present in the building or abatement measures needed or performed, unless the building owner waives, in writing, this right of confidentiality.

d. Ensure that each building is tested for radon levels before (premitigation) and after (postmitigation) mitigation work is performed. This requirement is not binding if the building owner waives these testing requirements prior to the start of the mitigation activities on a form furnished by the department. The credentialed person shall maintain record of such waivers.

(1) Such tests shall be of sufficient type, duration and consistency and shall be performed at such times and under such ventilation conditions as to allow for comparison of premitigation and postmitigation radon levels.

(2) Premitigation and postmitigation radon tests shall be performed using a department-approved test device by one of the following:

1. An independent measurement specialist who is not employed by the same firm as the mitigation specialist performing the mitigation.

2. The homeowner, occupant, or other person responsible for the building.

(3) Postmitigation radon tests shall be started no sooner than one day after mitigation is completed and within 30 days after installation.

e. Install a mitigation system that reduces the radon level to below 4 pCi/L in the area or the level of the building where the mitigation system is installed.

641—44.4(136B) Application for credentialing.

44.4(1) An application for credentialing or renewal of credentials as a radon mitigation specialist shall be completed through the online licensing portal and shall contain complete and accurate information.

44.4(2) The applicant must report any changes to the initial or renewal certification application within 14 days.

44.4(3) Application as a radon mitigation specialist. A person applying for a radon mitigation specialist shall include:

a. A certificate of completion of initial radon measurement and mitigation courses as outlined in subrule 44.3(2).

b. If either course was completed more than two years prior to the date of the application, documentation that the person has completed an average of at least four hours of approved continuing education (CE) training per year since completing the course. The certificate of completion must indicate all of the following:

(1) The name of the individual receiving the training;

(2) The name of the course and course ID assigned by either the NRPP or NRSB;

(3) The dates of the course;

(4) The signature of primary instructor;

(5) Official documentation of the test scores obtained on the NRPP, NRSB, or other department-approved radon mitigation examination taken within two years prior to application, showing a minimum passing score;

(6) Proof of three years of relevant work experience. One or more of the following is required:

1. A detailed resume providing proof of three years of relevant work experience.

2. A combination of a detailed resume and college transcript providing proof of at least one year of relevant work experience and up to two years of relevant postsecondary education as outlined in paragraph 44.3(2)*"b."*

3. Disclosure of any past disciplinary actions, if applicable, and include a list of any disciplinary actions taken against the applicant's license, credential, certification, registration in any profession in Iowa or another state or jurisdiction, and a copy of the disciplinary action(s), including any charges and disposition.

4. An acceptable mitigation worker protection plan. The plan shall include the elements outlined in Section 11 of the applicable standard for the building type being mitigated, as referenced in paragraph 44.3(3)*"c."* The worker protection plan shall apply to all mitigation installation activities.

5. An acceptable quality assurance plan (QAP). The plan shall apply to all mitigation installation activities and includes but is not limited to:

- A description of all diagnostic tests performed to determine the mitigation strategy, names of the individuals performing each diagnostic test, and any other related services offered.
- Ensuring all instruments are properly calibrated according to the manufacturer's recommendations.
- A description of all mitigation materials and systems offered.

(7) An example of the operation, maintenance and monitoring (OM&M) information package that will be provided to the building owner for the mitigation system installed.

1. The contents of the OM&M information package shall include the elements outlined in section 10.1 of the applicable standard for the building type being mitigated, as referenced in paragraph 44.3(3)*"c."*

2. The OM&M information package must include the phone number for the Iowa radon program.

(8) A copy of the mitigation waiver as outlined in paragraph 44.3(4)*"d."*

(9) The fee specified in rule 641—44.6(136B).

44.4(4) Supplementary statements. The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved, denied, or whether a previously issued credential should be amended, suspended, or revoked. Each application or supplementary statement shall be submitted by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

44.4(5) Expiration of notice of credential. Credentials will expire annually.

a. Radon mitigation activities subject to this chapter cannot be initiated after the expiration of the credential unless a renewal application has been submitted to the department, is determined to be complete, and is approved by the department.

b. All radon mitigation activities initiated prior to the expiration of the credential must be completed within 30 days of the expiration date if renewal is not completed and approved by the department.

c. If the application is rejected, the applicant cannot conduct radon mitigation activities in the state of Iowa for compensation or under any financial arrangement.

641—44.5(136B) Renewal application of annual credentialing.

44.5(1) *Credential renewal.* A person applying for a renewal of an annual credential shall:

a. Submit the appropriate application through the online licensing portal.

b. Include the number of mitigation systems installed for the renewal period by providing all of the following at or before time of renewal through the online licensing portal:

(1) Building owner name;

(2) Building owner phone number;

(3) Physical address of installation location, including street address, city, state and zip code;

(4) Installation date;

(5) Employer at time of installation.

c. Submit copies of CE completion certificates to the department biennially, based on the date of initial credentialing.

d. Pay the fee specified in rule 641—44.6(136B).

44.5(2) *Reinstatement of an expired credential.* Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date. Any person wishing to reinstate an expired radon measurement certification must complete the following:

a. Submit the required application and CE documentation that was due at time of expiration. If it has been more than two years since expiration, eight hours of CE must be completed with four of those hours being an approved mitigation standards review course; and

b. Pay the applicable credentialing and reinstatement fees.

641—44.6(136B) Radon mitigation credentialing fees. Any person wishing to become credentialed as a radon mitigation specialist shall pay nonrefundable fees in amounts sufficient to defray the cost of administering the rules of this chapter, as outlined in the fee schedule below.

44.6(1) *Initial application fee.* Each person applying for initial credentialing under the provisions of this chapter shall pay a nonrefundable $25 application fee.

44.6(2) *Annual credentialing fee.*

a. Each person applying for credentialing must pay a nonrefundable initial fee of $150.

b. Each person applying for annual renewal must pay an annual fee of $150 or a surcharge fee of $40 per mitigation system installed for systems costing more than $200, whichever amount is greater.

c. For fee calculation purposes, one mitigation system installation is considered to be the installation of an interconnected system that contains one or more fans installed on a single riser, one or more suction points, and one or more exhausts. For systems with single or multiple fans installed on separate risers and installed in separate locations, each riser constitutes a separate installation.

d. If a person elects not to renew a credential the subsequent year, all outstanding surcharge fees shall be paid in full within 30 days following the credential's expiration date.

44.6(3) *Returned check and reinstatement fees.* Persons who fail to pay required fees to the department are subject to the following penalties:

a. $40 fee for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

b. $100 reinstatement fee when a certification has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual credentialing fee.

641—44.7(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the credentials of a person, place on probation, impose a civil penalty, or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a credentialed person or a person who is not credentialed has committed any of the following actions:

44.7(1) Failure to comply with applicable state, federal, or local statutes and regulations. This includes any action that might place a person with certification under this chapter in noncompliance with Iowa statutes and the requirements of this chapter.

44.7(2) Failure to submit required information or notifications in a timely manner.

44.7(3) Failure to maintain the required records in rule 641—44.8(136B) and in the applicable ANSI/AART mitigation standard listed in paragraph 44.3(4)*"c."*

44.7(4) Falsifying approval records, qualifications, or other information or documentation related to licensing approval.

44.7(5) Failure to comply with the training standards and requirements in paragraph 44.3(4)*"c."*

44.7(6) Submitting in the application for credentialing, renewal of credentialing, or supplementary statement false or misleading statements that the department relied upon in approving the application.

44.7(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

44.7(8) Using untruthful or improbable statements in advertisements. Use of these statements includes but is not limited to the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation.

44.7(9) Falsifying reports and records required by this chapter.

44.7(10) Accepting any fee by fraud or misrepresentation.

44.7(11) Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.

44.7(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.

44.7(13) Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed.

44.7(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail.

44.7(15) Engaging in any conduct that subverts or attempts to subvert a department investigation.

44.7(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation.

44.7(17) Failure to pay costs assessed in any disciplinary action.

44.7(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence, that would warrant the department's refusal to grant credentialing on an original application.

44.7(19) Failure to complete the installation of a radon mitigation system within 30 days of the start date or date contracted to start.

44.7(20) Failure to correct any violation of department-approved standards or rules found during a previous inspection, or any violation found on an inspection that, as determined by the department, jeopardizes the safety of the building or other occupants.

44.7(21) Accepting compensation for installing ineffective radon remedies or for not dropping radon levels below 4 pCi/L in the area or level of the building where a radon mitigation system was installed.

44.7(22) Accepting compensation for installing active radon mitigation systems that are not acceptable to the department or that do not comply with the requirements of this chapter.

44.7(23) Failure to fully cooperate with the department or its agents when field evaluations are conducted.

44.7(24) Failure to attend a scheduled meeting or inspection set up by the department or its agents, when the person holding the credentials was previously notified and agreed to the time and location of the inspection.

641—44.8(136B) Records and reporting requirements. A credentialed radon mitigation specialist shall maintain records to include a report of each mitigation activity for a minimum of five years. Each report shall include at a minimum all of the following:

44.8(1) The address or location of the building.

44.8(2) The name and phone number of the owner(s) of the building where the radon mitigation is conducted.

44.8(3) A written description of each mitigation system, the materials installed, the diagnostic test results, and the cost of each system.

44.8(4) The name of the certified radon measurement specialist or technician used to perform radon or radon progeny testing before and after radon mitigation of a building. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

44.8(5) The results of any premitigation or postmitigation radon or radon progeny measurements performed and the measurement methods utilized. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

44.8(6) The results of the postmitigation radon measurements performed, including measurement methods utilized, and all pertinent dates. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

641—44.9(136B) Continuing education.

44.9(1) All credentialed individuals must complete at least eight hours of department-approved CE biennially on either radon mitigation, measurement, or a combination of the two.

44.9(2) Persons possessing both an Iowa Measurement Specialist certification and Mitigation Specialist credential must complete 12 hours of CE biennially on either radon measurement, mitigation, or both.

44.9(3) A department-approved CE course is a course approved by either NRPP, NRSB or other courses approved by the department.

641—44.10(136B) Exemptions. The following are exempt from the credentialing requirements of this chapter:

44.10(1) Persons who mitigate radon or radon decay products in buildings that they occupy.

44.10(2) Persons mitigating radon or radon decay products as part of scientific research approved by the department.

44.10(3) Persons who install passive radon mitigation systems either as a standalone system or as part of radon-resistant new construction building techniques.

641—44.11(136B) Penalties. It is unlawful for an individual to function as a radon mitigation specialist in violation of the provisions of Iowa Code chapter 136B. Persons convicted of violating the provisions of Iowa Code chapter 136B or this chapter shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code chapter 136B.

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ARC 0292D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to carrier regulations

The Public Safety Department hereby amends Chapter 22, "Regulations Applicable to Carriers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 321.208A, 321.449, 321.450 and 325A.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.1, 321.123, 321.208A, 321.449 and 321.450.

Purpose and Summary

This is an annual update in which the Department adopts the most recent updates to federal regulations. This rulemaking includes 2024 and 2025 updates. A summary of changes to the Code of Federal Regulations (CFR) is as follows:

Part 390 (FR Vol. 88 No. 197, pages 70897-70909), 10-13-23

Summary: Federal Motor Carrier Safety Administration (FMCSA) revises the emergency exemption rules to narrow the scope of safety regulations from which relief is automatically provided for motor carriers and drivers providing direct assistance when an emergency has been declared. This rule ensures that the relief granted through emergency declarations is appropriate and tailored to the specifics of the circumstances and emergencies being addressed. This rule also revises the process for extending automatic emergency regulatory relief where circumstances warrant and allows for potential reporting requirements when FMCSA issues an extension or modification. Effective date: December 12, 2023.

Part 385 (FR Vol. 88 No. 215, pages 77010-77014), 11-8-23

Summary: FMCSA amends its Hazardous Materials Safety Permit (HMSP) regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and out-of-service criteria (OOSC) for inspections of shipments of transuranic waste and highway route-controlled quantities (HRCQs) of radioactive material (RAM).

The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2022, edition of the handbook. Through this rule, FMCSA incorporates by reference the April 1, 2023, edition. The incorporation by reference of the material described in the rule is approved by the Director of the Federal Register as of December 8, 2023.

Technical Corrections (FR Vol. 88 No. 211, pages 80169-80193), 11-17-23

Summary: FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The agency makes minor changes to correct errors and inadvertent omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The agency also makes a change to its rules of organization, procedures, and practice. This final rule is effective November 17, 2023, except for amendatory instruction 88, which is effective January 16, 2024.

Revisions to Civil Penalty Amounts, 2024 (FR Vol. 88 No. 248, pages 89551-89568), 12-28-23 (Pipeline and Hazardous Materials Safety Administration 49 CFR Parts 107, 171, and 190 Federal Motor Carrier Safety Administration 49 CFR Part 386)

Summary: This final rule provides the statutorily prescribed 2024 adjustment to civil penalty amounts that may be imposed for violations of certain U.S. Department of Transportation (DOT) regulations. This rule is effective December 28, 2023.

Technical Correction of a Technical Correction Dated 11-17-23 (Vol. 89 No. 4, 1-5-24)

Summary: In a final rule published in the Federal Register on November 17, 2023, FMCSA amended its regulations by making technical corrections throughout the FMCSRs. The final rule had an incorrect paragraph number in the instruction for an amendment and, in an amendment replacing a term, erroneously failed to replace the possessive form of the term. The agency corrects these errors. This correction is effective January 5, 2024.

Part 391 (FR Vol. 89 No. 13, pages 3577-3581), Qualification of Drivers: Medical Advisory Criteria, 1-19-24

Summary: FMCSA updates the Medical Advisory Criteria published as an appendix in the Code of Federal Regulations (CFR). The appendix provides guidance for medical examiners listed on FMCSA's National Registry of Certified Medical Examiners (National Registry) on the applicability and interpretation of the physical qualification standards for operators of commercial motor vehicles (CMVs). The advisory criteria in the appendix are also intended to provide recommendations and information to assist medical examiners in applying the standards, basic information related to testing, and matters to consider when making a qualification determination. The updated Medical Advisory Criteria replace all previous versions of the criteria. This final rule is effective on January 19, 2024.

Part 392 (FR Vol. 89 No. 38, pages 13984-13998), Exemption for Operating Authority for providers of Recreational Activities, 2-26-24

Summary: FMCSA amends its regulations to implement the statutory exemption from its operating authority registration requirements for providers of recreational activities. The exemption applies to motor carriers operating a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached to the transport vehicle, if the motor vehicle is operated by a person who provides recreational activities within a 150-air-mile radius of the location at which passengers initially boarded the motor vehicle at the beginning of the trip. FMCSA also defines recreational activities to clarify the exemption, adopting, in response to a comment, a definition modified from that proposed in the notice of proposed rulemaking (NPRM). This final rule is effective April 26, 2024.

49 CFR Parts 107, 171, 172, 173, 178, and 180 (FR Vol. 43, pages 15636-15668), Adoption of Miscellaneous Petitions and Updating Regulatory Requirements (PHMSA), 3-4-24

Summary: PHMSA amends the Hazardous Materials Regulations (HMR) to update, clarify, improve the safety of, or streamline various regulatory requirements. Specifically, this rulemaking responds to 18 petitions for rulemaking submitted by the regulated community between May 2018 and October 2020 that requests PHMSA address a variety of provisions, including but not limited to those addressing packaging, hazard communication, and the incorporation by reference of certain documents. These

revisions maintain or enhance the existing high level of safety under the HMR while providing clarity and appropriate regulatory flexibility in the transport of hazardous materials. Effective date: This final rule is effective on April 3, 2024.

Hazardous Materials: Harmonization with International Standards; Final Rule Federal Register/Vol. 89 , No. 70/Rules and Regulations (Page 25434), 49 CFR Parts 171, 172, 173, 175, 176, 178, and 180, 4-10-24

Summary: PHMSA is amending the HMR to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. PHMSA is also withdrawing the unpublished November 28, 2022, Notice of Enforcement Policy Regarding International Standards on the use of select updated international standards in complying with the HMR during the pendency of this rulemaking. This rule is effective May 10, 2024.

Pipeline and Hazardous Materials Safety Administration, 49 CFR Parts 171, 172, 173, 175, 176, 178, and 180 (5-9-24)

Summary: The Pipeline and Hazardous Materials Safety Administration is correcting a final rule that was published in the Federal Register on April 10, 2024. The final rule was published to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The corrections address several errors to the hazardous material entries in the hazardous materials table. This correction is effective May 10, 2024.

Part 385, Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (pages 67560-67562), 8-21-24

Summary: FMCSA amends its Hazardous Materials Safety Permits (HMSPs) regulations to incorporate by reference the updated CVSA handbook containing inspection procedures and OOSC for inspections of shipments of transuranic waste and HRCQs of RAM. The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2023, edition of the handbook. Through this final rule, FMCSA incorporates by reference the April 1, 2024, edition. Effective date: September 20, 2024. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of September 20, 2024.

49 CFR Chapter III (FR Vol. 89, No. 222, pages 90608-90624), 11-18-24

Summary: FMCSA amends its regulations by making technical corrections throughout the FMCSRs. The agency makes minor changes to correct errors and inadvertent omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The agency also makes a change to its rules of organization, procedures, and practice. Because the rule does not impose any new material requirements or increase compliance obligations, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA). Effective date: November 18, 2024.

49 CFR Parts 387 and 397 (FR Vol. 90, No. 6, page 1908), 01-10-25

Summary: In a final rule published in the Federal Register on November 18, 2024, FMCSA amended its regulations by making technical corrections throughout the FMCSRs. The final rule included an amendatory instruction to revise a stayed section without first lifting the stay. The final rule also included an amendatory instruction that referenced an incorrect paragraph letter. The agency corrects these errors. This correction is effective January 10, 2025.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 18, 2026, as **ARC 0122D**. A public hearing was held on the following date(s):

- April 8, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 22, 2026.

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 661—Chapter 10.

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 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 661—22.1(321) as follows:

661—22.1(321) Safety and hazardous materials regulations.

22.1(1) *Regulations.*

a. Motor carrier safety regulations. The department of public safety adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385, 386 and 390-399 (October 1, ~~2023~~ 2025).

b. Hazardous materials regulations. The department of public safety adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2023~~ 2025).

c. No change.

22.1(2) *Carriers subject to regulations.*

a. and *b.* No change.

c. Operators of vehicles for hire~~,~~ designed to transport 7 or more persons but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire~~,~~ designed to transport 7 or more persons but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 150-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

22.1(3) No change.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.

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ARC 0291D

REVENUE DEPARTMENT[701]

Adopted and Filed

Rulemaking related to special order barrel program

The Department of Revenue hereby amends 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 section 123.10(3).

Purpose and Summary

The purpose of this rulemaking is to update a subrule related to management of special order barrel program products available for sale by the Department. The amendment to subrule 1001.9(4) allows products purchased as part of a special order barrel program to be split between two or more class "E" retail alcohol licensees, which the subrule currently prohibits. This rulemaking is being adopted in response to a petition for rulemaking submitted by two alcoholic liquor suppliers.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 18, 2026, as **ARC 0129D**. A public hearing was held on the following date(s):

- April 7, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 22, 2026.

Fiscal Impact

The fiscal impact for this rulemaking is unable to be determined. In fiscal year 2025, there were $2,511,684.43 in sales for special order barrel products. The barrel program products were each sold to one class "E" licensee with presumably better financial means, since the average barrel was sold for $9,316.31. While the exact effect on State revenue cannot be determined, sales of these products have the potential to increase State revenue due to the broader audience of class "E" licensees having an opportunity to purchase these barrel program products by splitting them with other class "E" licensees.

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 June 17, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 1001.9(4) as follows:

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~~ may be split between two or more class "E" retail alcohol licensees in a manner prescribed by the director.

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