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).

Schedule for Rulemaking—2026

REGULATORY ANALYSIS SUBMISSION DEADLINE	REGULATORY ANALYSIS PUB. DATE	HEARING AND COMMENTS 20 DAYS	FIRST † POSSIBLE NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING AND COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	FIRST POSSIBLE ADOPTED FILING SUBMISSION DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE 35 DAYS	FIRST POSSIBLE EXPIRATION OF NOTICE 180 DAYS
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
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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
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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****

The following list will be updated as changes occur.

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

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

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

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RA 26-145

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 43
"Fertilizers and Agriculture Lime"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 200.14
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 200

Public Hearing

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

July 29, 2026 11:30 a.m. to 12 noon	Heritage West Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to update and clarify language in Chapter 43 that is vague and open to different interpretations. This rulemaking clarifies the meaning of public assembly and specifies a procedure to extend the use of anhydrous ammonia storage tanks.

Analysis of Impact

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

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

Agricultural industry that markets and stores anhydrous ammonia will bear the costs.

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

Agricultural industry that markets and stores anhydrous ammonia will have a definitive definition on placement of storage facilities. They will also benefit financially from having a route to extend the useful life of current storage anhydrous ammonia storage vessels. The general public will benefit from storage tanks being tested to prove they are safe for storage.

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:**

The proposed rulemaking has the potential to extend the working life of over 100 anhydrous ammonia storage tanks that would otherwise have to be removed from service by 2030, saving

significant dollars while also verifying the safety of the tanks. Extending the use of the tanks saves significant capital versus tank replacement.

- **Qualitative description of impact:**

The proposed rulemaking changes the safety evaluation of a tank from following an arbitrary calendar date to be based on standardized, engineered-based testing.

3. **Costs to the State:**

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

The cost to the State will be minimal. Application and inspection forms will need to be developed. No additional staffing will be required.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

The rulemaking offers the agricultural industry a significantly lower cost option to extending storage vessel life span versus having to do a costly replacement based on a calendar date. Clarifying the definition of "public assembly" will avoid delays in the application process.

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

The rulemaking offers the industry a less costly and less intrusive option for anhydrous ammonia storage vessels.

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

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

Doing nothing and allowing current regulations to force storage vessels out of service based on a calendar date were considered.

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

The proposed rulemaking offers financial savings and made the decision on tank safety by standardized testing versus a calendar date.

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?

The proposed rulemaking offers a lower cost option versus replacing specific series of anhydrous ammonia storage vessels that current rules require to be replaced in 2030. The rulemaking offers cost savings with no requirement of mandatory spending.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 43 and adopt the following **new** chapter in lieu thereof:

CHAPTER 43
FERTILIZERS AND AGRICULTURAL LIME

21—43.1(200) Additional plant food elements besides N, P and K. Additional plant nutrients, besides nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed shall be shown on the application for registration. The minimum percentages which will be accepted for registration except for those fertilizers designed to be applied and ordinarily applied directly to growing plant foliage to stimulate further growth are as follows:

Element	*Percent*
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulfur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

Guarantees or claims for the above-listed additional plant nutrients are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall be furnished with the application for registration upon request. Any of the above-listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, phosphorus and potassium. Warning statements are required on the label for any product which contains 0.03 percent or more of boron in a water-soluble form or 0.001 percent or more of molybdenum.

21—43.2(200) Warning required. When any product which contains 0.03 percent or more of boron in a water-soluble form or 0.001 percent or more of molybdenum is incorporated in a commercial fertilizer a special warning tag or statement must be furnished to the purchaser. This tag or statement shall carry the word "WARNING" prominently placed on the front of the package or label in size no less than the nutrient guarantee statement; it shall state the crops for which the fertilizer is to be used and it shall state that use of the fertilizer on any other than those recommended may result in serious injury to the crops. The tag or statement is to be attached to or printed on the bag or other container in which the fertilizer is sold; for bulk fertilizers the statement must be placed on the invoice or other document which shall accompany delivery and be supplied to the purchaser at the time of delivery as provided in Iowa Code section 200.6(2).

21—43.3(200) Specialty fertilizer labels. Specialty fertilizer products shall be labeled to show the following information, if not appearing on the face or display side in a readable and conspicuous form, shall occupy at least the upper third of a side of the container.

Net Weight
Brand Name
Grade
Guaranteed Analysis: _____ %

Total Nitrogen (N)
_____% Ammoniacal Nitrogen**
_____% Nitrate Nitrogen**
_____% Water Insoluble Nitrogen*
Available Phosphorus (P) or P_2O_5 or both _____ %
Soluble Potassium (K) or K_2O or both _____ %
Additional Plant Nutrients, if claimed, and in the order and not less than the minimum percentage as shown in 21—43.1(200).
**Potential Acidity or Basicity _____ % or _____ lbs.
Calcium Carbonate Equivalent per ton.
Name and Address of Registrant

NOTES:
*If claimed or the statement "organic" or "slow acting nitrogen" is used on the label.
**If claimed or required.

21—43.4(200) Pesticides in fertilizers. When an insecticide, herbicide or any other additive for pest control is added to fertilizer the product must be registered and guaranteed with respect to the kind and percentage of each of these additives as well as with respect to plant food elements. In a prominent manner the label on the package shall state the crops for which the fertilizer is to be used and shall state that the use of the fertilizer on any other crops or under conditions other than those recommended may result in serious injury to crops.

21—43.5(200) Cancellation or suspension of registration or license. If official sampling and analysis of any registered commercial fertilizer or beneficial substance indicates that the product does not meet the guarantees or claims made for it, or that the products do not meet the minimum plant nutrient values established by rule 21—43.1(200), the secretary may notify the person guaranteeing the product that the quality of the fertilizer or beneficial substances must be improved prior to any further sale, distribution or offer for sale of such products in Iowa and the secretary may request that monetary reimbursement be made to purchaser to rectify the deficiency of the product reported by laboratory analysis and the monetary reimbursement be reported to the department. Reimbursement must be made within 30 days of the reported deficiency. In addition, if it appears to the secretary that the composition of the article does not warrant the claims made for it, or if the article, its labeling or other material required by Iowa Code section 200.5(6) to be submitted to the secretary, do not comply with the requirements of the Iowa fertilizer law, the secretary may revoke, suspend or refuse to register any commercial fertilizer or beneficial substance; or refuse to issue or revoke or suspend any license issued under Iowa Code chapter 200.

21—43.6(200) Design plans with specifications for installing a new or modifying existing anhydrous ammonia facilities. Application with design plans and specifications for facilities under these rules shall be submitted to the department prior to construction. A signed letter acknowledging the acceptance of the plans by the department must be received by the applicant prior to construction. Upon completion of construction, a certification by the owner or owner's agent shall be made to the department that the facilities were constructed in accordance with rule 21—43.7(200). If investigation by the department, subsequent to the completion of construction, determines the constructed facilities were not constructed or the tank tested 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. All forms shall be supplied by the department.

21—43.7(200) Standard for the storage and handling of anhydrous ammonia. The Compressed Gas Association's (CGA's) American National Standard Safety Requirements for the Storage and Handling of Anhydrous Ammonia (6th edition), commonly referred to as ANSI/CGA G-2.1 2014,

is adopted by this reference as the official requirement for the storage and handling of anhydrous ammonia, with the following exceptions:

1. Strike subrule 3.1 in its entirety and insert in lieu thereof the following:

3.1 Any person required to handle, transfer, transport, or otherwise work with ammonia shall be trained once each calendar year prior to handling to understand the properties of ammonia, to become competent in safe operating practices, and to take appropriate actions in the event of a leak or an emergency.

2. Insert a new subrule 5.1.3 to read as follows:

5.1.3 Equipment and components must be installed, operated, and maintained in accordance with the manufacturer's recommendations or best engineering practices.

3. Strike subrule 5.3.4 in its entirety and insert in lieu thereof the following:

5.3.4 In the absence of a specific determination by local jurisdictions, separation distances for new, additional or relocated ammonia stationary storage containers and placements of containers covered by Sections 9, 10, 11 and 12 after January 1, 2002, shall be in accordance with Table 5:

Minimum Separation[1, 2] Distances for Location of Ammonia Storage Containers

	Minimum Distances (in feet or meters) from Each Container to:			
Nominal Capacity of Container[3] (Gallons or Cubic Meters)	Mainline of Railroad[4]	Highway[5] or Line of Adjoining Property	Place of Public Assembly[6] or Residential Occupancy[7]	Institutional Occupancy[8]
Over 500 to 2,000 gals[9]	100 ft	25 ft	150 ft	250 ft
Over 2,000 to 30,000 gals	100 ft	50 ft	300 ft	500 ft
Over 30,000 to 100,000 gals	100 ft	50 ft	450 ft	750 ft
Over 100,000 gals	100 ft	50 ft	600 ft	1000 ft
Over 2 to 8 m^3	30 m	8 m	45 m	75 m
Over 8 to 110 m^3	30 m	15 m	90 m	150 m
Over 110 to 400 m^3	30 m	15 m	140 m	230 m
Over 400 m^3	30 m	15 m	180 m	300 m

1) Separation distances referred to are approximate and based on experience with minor releases.

2) For additional distances, see ANSI/ASHRAE 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6 and 6.4.6.

3) The nominal capacity of multiple containers shall be aggregated, but only if containers are interconnected and safeguards do not exist to prevent a leak from one container from emptying interconnected containers.

4) Class II track or better. See 49 CFR 213.9 [8].

5) A highway is defined as a public way for purposes of vehicular travel, including the entire area within the right of way. See American Association of State Highway and Transportation Officials (AASHTO) Transportation Glossary (1983) [37].

6) Place of public assembly occupancy is a premises or that portion of a premises where 20 or more people may congregate at least six times a year and from which occupants cannot quickly vacate. Public assembly occupancies include, among others, auditoriums, ballrooms, classrooms, passenger depots, restaurants, churches, businesses open to the general public, cemeteries, parks and theatres and the portion of surrounding land that is maintained for occupancy usage. Public assembly occupancies do not include bike and walking trails. See ANSI/ASHRAE 15 [1].

7) Residential occupancy is a premise or that portion of a premise that provides the occupants with complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation. Residential occupancies include, among others, dormitories, hotels, multiunit apartments, and private residences and the portion of surrounding land that is maintained for occupancy usage. See ANSI/ASHRAE 15 [1].

8) Institutional occupancy is a premise or that portion of a premise from which, because they are disabled, debilitated, or confined, occupants cannot readily leave without the assistance of others. Institutional occupancies include, among others, hospitals, nursing homes, asylums, and spaces containing locked cells and the portion of surrounding land that is maintained for occupancy usage. See ANSI/ASHRAE 15 [1].

9) For 500 gallons (2m^3) or less, see ANSI/ASHRAE 5.3.1 and 5.3.3.

4. Strike subrule 5.3.6 in its entirety and insert in lieu thereof the following:

5.3.6 Areas within 10 feet (3 meters) of a storage container shall be maintained clear of dry grass and weeds and other combustible materials. Areas shall be kept clear of debris or any item that would

interfere with emergency actions or evacuation as well as materials or objects not necessary for the operation of the storage system and components.

5. Insert new subrules 5.4.3.2.1 through 5.4.3.2.5 to read as follows:

5.4.3.2.1 Eligible tanks. The following anhydrous ammonia storage tanks are eligible for dataplate replacement through testing:

5.4.3.2.1.1 Nonrefrigerated anhydrous ammonia storage tanks (other than DOT containers) not conforming to 5.4.1 and whose dataplate cannot be replaced pursuant to 5.4.3.1.

5.4.3.2.1.2 An anhydrous ammonia storage tank will have been in anhydrous ammonia service in Iowa by the applicant as of January 1, 2026, and will have been in continuous service by the applicant through the date of application.

5.4.3.2.1.3 Tanks with unauthorized welds, repairs, or modifications are not eligible.

5.4.3.2.2 Application and Testing.

5.4.3.2.2.1 Prior to an anhydrous ammonia storage tank being tested pursuant to 5.4.3.2, an application for dataplate replacement must be submitted to the department on forms approved by the department.

5.4.3.2.2.2 The department will notify the applicant if the dataplate application is initially approved for testing or denied.

5.4.3.2.2.3 Tanks that have been initially approved for a dataplate must be tested within six months of the application being approved for testing.

5.4.3.2.2.4 Tanks must be inspected and tested to API 510 standards by a certified API 510 pressure vessel inspector. The inspector must create a testing data report as a result of the testing. The testing data report will include the date the tank was tested, the inspector conducting the testing, the location of the tank, whether the tanks is passed for service, and the period of time which the tank can be in service. The testing data report will be signed by the inspector.

5.4.3.2.3 Testing Data Report Results. The applicant must forward to the department the testing data report conducted pursuant to 5.4.3.2.2.4. The testing data report will be maintained by the applicant for the lifetime of the tank.

5.4.3.2.3.1 Tanks that are not passed for service pursuant to 5.4.3.2.2.4 above will be removed from service immediately by the owner.

5.4.3.2.3.2 Tanks that are passed for service pursuant to 5.4.3.2.2.4 above will be issued a dataplate number by the department. The dataplate will be effective for the period of time identified by the data testing report in 5.4.3.2.2.4 above, up to a maximum of ten years.

5.4.3.2.3.3 A tank that had previously been issued a dataplate pursuant to 5.4.3.2 must reapply and retest for a new dataplate prior to the dataplate expiring. The tank will be retested and approved by the department prior to the expiration of the previous dataplate in compliance with 5.4.3.2. All tanks with an expired dataplate will be immediately removed from service by the owner.

5.4.3.2.4. Dataplates. Dataplates replaced pursuant to 5.4.3.2 will be made of a noncorroding metal and will include the following information in a legible size:

5.4.3.2.4.1 “IOWA DEPARTMENT OF AGRICULTURE REPLACEMENT DATA PLATE”, with the replacement plate number, across the top portion of the plate in letters no less than 3/16 inch.

5.4.3.2.4.2 The phrase “Above Ground Anhydrous Ammonia Storage Only.”

5.4.3.2.4.3 Expiration date of dataplate as provided in 5.4.3.2.3.2.

5.4.3.2.4.4 Maximum Working Pressure 250 psi @ 125 degrees Fahrenheit.

5.4.3.2.4.5 Gallon Capacity.

5.4.3.2.4.6 Surface Area (in sq. ft.).

5.4.3.2.4.7 Length (in ft.).

5.4.3.2.4.8 Shell Thickness (in inches).

5.4.3.2.4.9 Surface Area (in sq. ft.).

5.4.3.2.4.10 Outside Diameter (in ft.).

5.4.3.2.4.11 Head Thickness (in inches).

5.4.3.2.4.12 The phrase, "This tank has met or exceeded the standards and specification established by American Petroleum Institute 510."

5.4.3.2.4.13 The test performed by the qualified 510 personnel.

5.4.3.2.4.14 Any other information required to be included as identified by the ABI test 510 inspector.

5.4.3.2.5 Dataplate Installation. The dataplate will be permanently attached to the tank in a location that is readily accessible for inspection. The installation of the dataplate must be witnessed by the department. The department will inspect the tank and dataplate for compliance with 5.4.3.2 and will issue its final approval or denial of the dataplate.

6. Strike subrule 5.6.6 in its entirety and insert in lieu thereof the following:

5.6.6 Adequate provisions shall be made to protect the storage system and components, including all exposed piping, from physical damage which could result from impact by moving machinery, automobiles or trucks, or any other equipment at the facility. See also 6.7.1.

7. Insert a new subrule 5.10.8.2 to read as follows:

5.10.8.2 For transfer of liquids from a container utilizing a remote transfer point, each liquid filling connection shall have a positive shut-off valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve. Vapor connections shall have a positive shut-off valve between the supply source and the intake side of the pump. The liquid line supplying this transfer from the pump shall have an emergency shut-off valve between the supply source and the intake side of the pump. The emergency shut-off valve shall remain closed when the plant is not in use.

NOTE: The internal back-pressure check valves or internal excess flow valves shall be installed in the facility piping prior to the positive shut-off valves. These valves shall be installed so that any break will occur on the side of the transfer hose. Protection from pull away while connected is the same as described in 5.10.8.1.

8. Add the following subrule 5.10.10:

5.10.10 Anhydrous ammonia shall be vented into an adequate supply of water. For this purpose, an adequate supply of water means ten gallons of water for each gallon of liquid ammonia or fraction thereof which is contained in the hose or vessel to be vented. The ammonia should be injected into the water as near the bottom of a vented water containing vessel as practical. If a hose is used to inject ammonia into water, the hose should be weighted or secured so that the end of the hose will remain near the bottom of the vessel. An approved sparging device is recommended. Any aqueous ammonia solution resulting from the venting process shall be disposed of safely and properly.

NOTE: Ammonia vapor may be flared off when appropriate equipment is used to not allow ammonia vapor to escape unchecked into the atmosphere. This section does not apply to venting of a coupling between transfer hose and nurse tank or applicator or venting of vapor through 85 percent bleeder valve when loading a nurse tank or applicator.

9. Add the following subrule 5.10.10.1:

5.10.10.1 Anhydrous ammonia shall not be vented into the air. Each transport truck unloading point at an anhydrous ammonia storage facility shall have a valve for venting purposes installed in the piping at or near the point where the piping and hose from the transport truck are connected. Anhydrous ammonia from any transport truck hose shall be vented into an adequate supply of water. For this purpose, an adequate supply of water means ten gallons of water for each gallon of liquid ammonia or fraction thereof which could be contained in the hose. The ammonia should be injected into the water as near the bottom of a vented water containing vessel as practical. If a hose is used to inject ammonia into water, the hose should be weighted or secured so that the end of the hose will remain near the bottom of the vessel. An approved sparging device is recommended. Any aqueous solution resulting from the venting process shall be disposed of safely and properly.

10. Add the following subrule 5.10.11:

5.10.11 All anhydrous ammonia storage locations shall have a permanent working platform installed at each nurse tank or applicator loading location. The working platform shall be designed to allow for connecting and disconnecting of transfer hoses without standing on equipment being loaded.

NOTE: This section does not apply to nurse tanks or applicators with a working surface designed for loading purposes.

11. Add the following subrule 6.3.1.1:

6.3.1.1 Containers designed with internal pressure relief systems are exempt from this requirement.

12. Strike subrule 9.7.3 in its entirety and insert in lieu thereof the following:

9.7.3 A cargo tank of 3,500 gallons or less water capacity may be unloaded into permanent storage locations meeting the requirements of 3.4.1 and 5.10.8 through 5.10.8.2 or into implements of husbandry meeting the requirements of Section 11. A cargo tank of greater than 3,500 gallons water capacity but not greater than 5,000 gallons water capacity may be unloaded at permanent storage locations meeting the requirements of 3.4 and 5.10.8 through 5.10.8.2 or into a portable application equipment container which is capable of holding the entire load. A cargo tank of greater than 5,000 gallons water capacity may only be unloaded into a permanent storage location meeting the requirements of 3.4 and 5.10.8 through 5.10.8.2 and capable of holding the entire load.

13. Strike subrule 11.3.5 in its entirety and insert in lieu thereof the following:

11.3.5 All vapor and liquid connections, except pressure relief valves and those specifically exempt in 5.5.5 and 5.5.6, shall be equipped with approved excess flow valves or may be fitted with quick-closing internal valves, which shall remain closed except during operating periods.

1. All vapor and liquid connections shall be closed except during operation periods.

2. Shared piping where multiple containers are plumbed together shall be equipped with additional excess flow valves or back-pressure check valves or both to meet the requirements of 5.10.8.

3. Mechanical remote shut-off valves may be added or substituted for excess flow valves in the piping after the vapor and liquid connections as a means of controlling the flow.

13. Strike subrule 11.6.1 in its entirety and insert in lieu thereof the following:

11.6.1 Each person operating, repairing appurtenances of, or inspecting a nurse tank shall comply with the following requirements:

1. Any person required to handle, transfer, transport, or otherwise work with ammonia shall be trained once each calendar year prior to handling to understand the properties of ammonia, to become competent in safe operating practices, and to take appropriate actions in the event of a leak or an emergency; and

2. Any person making, breaking or testing any ammonia connection, transferring ammonia or performing maintenance or repair on an ammonia system under pressure shall wear chemical splash goggles and protective gloves impervious to ammonia. A full face shield may be worn over the goggles. However, a face shield shall not be worn as a substitute for a primary eye protection device (goggles).

14. Strike subrule 11.6.2 in its entirety and insert in lieu thereof the following:

11.6.2 Each nurse tank shall be equipped with the following safety equipment and features:

1. Each container shall have for first-aid purposes at least 5 gallons (20 liters) of clean water in a container designed to provide ready access to the water for flushing any area of the body contacted by ammonia; and

2. A legible decal listing first-aid procedures to follow for injuries caused by ammonia.

15. Strike subrule 12.3.3 in its entirety and insert in lieu thereof the following:

12.3.3 An excess flow valve is not required in the vapor connections, provided that the controlling orifice is not in excess of 0.4375 inches (11.1 mm) in diameter and the valve is a hand-operated (attached hand wheel or equivalent) shut-off valve. Bleed off of vapors may be done into water meeting requirements of 5.10.10 if vapor connections cannot be made to the supplying vessel when filling applicator tanks. Vapors may be vented into the ground in the field of application under proper field conditions.

16. Strike subrule 12.4.1 in its entirety and insert in lieu thereof the following:

12.4.1 Each person operating, repairing appurtenances of, or inspecting an applicator tank shall comply with the following requirements:

1. Any person required to handle, transfer, transport, or otherwise work with ammonia shall be trained once each calendar year prior to handling to understand the properties of ammonia, to become competent in safe operating practices, and to take appropriate actions in the event of a leak or an emergency; and

2. Any person making, breaking or testing any ammonia connection, transferring ammonia or performing maintenance or repair on an ammonia system under pressure shall wear chemical splash goggles and protective gloves impervious to ammonia. A full face shield may be worn over the goggles. However, a face shield shall not be worn as a substitute for a primary eye protection device (goggles).

21—43.8(200) Groundwater protection fee.

43.8(1) There shall be paid by the licensee, as licensed under Iowa Code section 200.4, to the secretary for all commercial fertilizers and beneficial substances sold or distributed in this state, a groundwater protection fee of 75 cents per ton based on an 82 percent nitrogen solution. Other product formulations containing nitrogen shall pay a fee based on the percentage of actual nitrogen contained in the formulation with 82 percent nitrogen solution serving as the base. Product formulations containing less than 2 percent nitrogen shall be exempt from the payment of a groundwater protection fee. Payment of the groundwater protection fee by any licensee exempts all other persons, firms or corporations from the payment.

43.8(2) Every licensee and any person required to pay a groundwater protection fee under this chapter shall file not later than the last day of January and July of each year, on forms furnished by the secretary, a semiannual statement setting forth the number of net tons of commercial fertilizer or beneficial substances containing nitrogen that were distributed in this state during the preceding six-month period; and upon filing the statement shall pay the groundwater protection fee at the rate stated in subrule 43.8(1), except that manufacturers of individual packages of fertilizer containing 25 pounds or less shall file not later than the last day of July of each year, on forms furnished by the secretary, an annual statement setting forth the number of net tons of fertilizer containing nitrogen distributed in this state in packages of 25 pounds or less during the preceding 12-month period; and upon filing the statement shall pay the groundwater protection fee at the rate stated in subrule 43.8(1).

43.8(3) All licensees who distributed specialty fertilizer, as defined in Iowa Code section 200.3(5), or apply specialty fertilizer for compensation, shall file not later than the last day of July of each year, on forms furnished by the secretary, an annual statement setting forth the number of tons of fertilizer containing nitrogen distributed in this state and listing the manufacturer from which the product was purchased but no groundwater protection fee shall be due.

21—43.9(200) Minimum requirements for registration of fertilizer and beneficial substances.

43.9(1) Fertilizer and beneficial substances submitted for registration may be required to be tested for a minimum of two growing seasons in at least three Iowa crop reporting districts in accordance with standards for efficacy testing. The results of testing shall be reviewed by the secretary or person authorized by the secretary. The testing requirement may be waived if research has been conducted with crops and under conditions relevant to the state of Iowa. The Secretary or person authorized by the secretary may require the applicant for registration to submit an economic or environmental impact statement.

43.9(2) Applications for registration shall include methods of laboratory analysis of products used for achieving results consistent with the label guarantee.

43.9(3) Fertilizer or beneficial substances submitted for registration may be required to provide documented evidence of the safety of any ingredient in regards to human and animal health and the environment. The proof must be from a source other than the applicant unless scientifically reviewed.

21—43.10(200) Provisional product registration. A provisional product registration may be granted during the time required to complete efficacy testing to achieve product registration. Prior to the growing seasons or granting of a provisional product registration, the registrant must submit a plan for efficacy testing to the department for approval by the first day of February. A fee of $100 shall be collected for each provisional product registration. Annual reviews of provisional product registrations shall determine if satisfactory progress is being made toward achieving product registration. A provisional product registration may be canceled if it appears that conditions under which provisional product registration was granted have not been completed.

The registrant does not have the right to sell, distribute or promote any fertilizer or beneficial substances within the state of Iowa under a provisional product registration.

21—43.11(200) Review of product registrations. Fertilizer and beneficial substance registrations may be reviewed to determine that the product meets claims, guarantees and labeling for which registration was granted. If credible cause can be demonstrated that product claims have not been substantiated, registration may be canceled. A new registration may be submitted once the minimum requirements for registrations of the canceled fertilizers or beneficial substances has been satisfied.

21—43.12(200) Product claims.

43.12(1) Product claims may be substantiated by one of two methods:

a. Efficacy testing; or

b. Substantiation of data relevant to Iowa crops and soils. Efficacy testing and substantiation shall be completed when requested by the department to support claims made for fertilizer and beneficial substances that is sold, distributed or offered for sale in Iowa.

43.12(2) Documentation substantiating product claims by efficacy testing shall contain the following information:

a. All guaranteed ingredients must be identified and indicated by percentage.

b. State the crop or soil response being measured.

c. The research facility and investigators conducting the trials.

d. Dates and locations of trials.

e. The trials must be conducted, utilizing the principles of experimental design and methods consistent with those in agricultural research. This involves raw data from proper treatment selection, replication and randomization in such a manner that statistical analysis of data is possible.

f. Exclude consumer testimonials.

21—43.13(201A) Definitions. When used in this chapter:

"Agricultural liming material" means a product containing calcium and magnesium compounds capable of neutralizing soil acidity.

"Brand" means the term, designation, trade name, product name, or other specific designation under which individual agricultural liming material is offered for sale.

"Bulk" means in nonpackaged form.

"Calcium carbonate equivalent" means the acid-neutralizing capacity of an agricultural liming material expressed as percentage of pure calcium carbonate.

"Effective calcium carbonate equivalent" or *"ECCE"* means the acid-neutralizing capacity of an agricultural liming material or specialty limestone.

"Fineness" means the percentage by weight of the material which will pass U.S. standard sieves of specified sizes.

"Industrial by-product" means agricultural liming material containing calcium or a combination of calcium with magnesium and capable of neutralizing soil acidity which is derived from any industrial waste or by-product.

"Label" means any written or printed material on or attached to the package or on the delivery ticket which accompanies bulk shipments.

"Limestone" means a material consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity.

"Pelletized lime" means agricultural liming material containing calcium or a combination of calcium with magnesium and capable of neutralizing soil acidity which has been processed into pellet or granular form, with or without binding agents.

"Percent" or *"percentage"* means by weight.

"Permanent production facilities" means stationary crushing and screening equipment which is immobile.

"Person" means individual, partnership, association, firm or corporation.

"Portable plant" means mobile crushing and screening equipment mounted on wheels.

"Quarry lime" means agricultural liming material containing calcium or a combination of calcium with magnesium which has been excavated from the earth and processed by crushing and screening and capable of neutralizing soil acidity.

"Specialty limestone" means agricultural liming material distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries.

"Ton" means a net weight of 2,000 pounds avoirdupois.

"Water treatment lime" means agricultural liming material containing calcium or a combination of calcium with magnesium and capable of neutralizing soil acidity which is derived from water treatment plants.

"Weight" means the weight of undried agricultural liming material or specialty limestone offered for sale.

21—43.14(201A) Determination of ECCE. Agricultural liming material or specialty limestone offered for sale, sold or otherwise distributed in this state shall be analyzed on the basis of the number of pounds of effective calcium carbonate equivalent per ton, using the method set forth in this rule.

43.14(1) A fineness factor shall be determined as follows:

a. Multiply the percent of the total material passing the number 4 sieve by one-tenth.

b. Multiply the percent of the total material passing the number 8 sieve by three-tenths.

c. Multiply the percent of the total material passing the number 60 sieve by six-tenths.

d. Add the results obtained from paragraphs 43.14(1)*"a," "b"* and *"c"* to obtain the fineness factor.

43.14(2) Multiply the fineness factor obtained by using the method in subrule 43.14(1) by the percent of calcium carbonate equivalent in the material to obtain the percent of ECCE.

43.14(3) The percent of ECCE obtained in subrule 43.14(2) shall be reduced by the percent of moisture contained in the sample.

43.14(4) Multiply 2,000 pounds by the percent ECCE obtained in subrule 43.14(3) to determine the number of pounds of ECCE per ton of agricultural liming material or specialty limestone.

21—43.15(201A) Sample procedure.

43.15(1) Samples of agricultural liming material for analyzing the number of pounds of ECCE shall be obtained by taking samples from the manufacturer's production belt or stockpile. A minimum of one sample and up to five samples shall be taken at locations where there are permanent production facilities each year that agricultural liming material is being produced. Samples shall be taken at locations where there are no permanent production facilities once during the time that a portable plant is at the location producing agricultural liming material. Subsequent samples will be taken either during the period that the portable plant is at the location or from the stockpile created, until a total of three to five representative samples from the pile have been accumulated and submitted for analysis. The manufacturer or producer of agricultural liming material shall notify the secretary of agriculture or person or persons appointed by the secretary of the production of agricultural liming material seven

calendar days prior to the manufacture or production of agricultural liming material so that samples may be obtained by a person or persons appointed by the secretary in compliance with this rule.

43.15(2) Samples of specialty limestone for analyzing the number of pounds of ECCE shall be submitted to the secretary of agriculture by the manufacturer or producer of specialty limestone for analysis in accordance with rule 21—43.16(201A).

43.15(3) Samples of agricultural liming material may be obtained from manufacturers' or producers' production belts, stockpiles or in transportation and analyzed for compliance with certification requirements of rule 21—43.18(201A). Samples of specialty limestone may be obtained from packages and analyzed for compliance with certification requirements of rule 21—43.18(201A).

43.15(4) Samples of water treatment plant lime for analyzing the number of pounds of ECCE shall be obtained by taking samples from the water plant designated sampling point. Samples shall be taken when agricultural liming material is being taken off-site for land application. The producer of the agricultural liming material shall notify the secretary of agriculture or person(s) appointed by the secretary about the intent to land apply the liming material seven calendar days prior to the land application when agricultural liming material is stockpiled so that samples may be obtained in compliance with this rule.

21—43.16(201A) Sample analysis. Samples of agricultural liming material or specialty limestone obtained as provided in rule 21—43.15(201A) shall be submitted to a certified commercial lab whose services have been retained by the department for analysis of acid neutralization capacity expressed as calcium carbonate equivalent, percentage of material passing a 4-, 8- and 60-mesh sieve and the percentage of moisture contained in the sample. The results of the analysis of each sample shall be submitted to the secretary of agriculture.

21—43.17(201A) Sample fee. The manufacturer or producer of agricultural liming material or specialty limestone shall pay a fee of no more than $60 per sample collected. This fee may be adjusted by the secretary of agriculture by a separate notice letter to each manufacturer or producer to reflect as accurately as possible the actual cost of sampling and testing expended by the Iowa department of agriculture and land stewardship for each sample collected.

21—43.18(201A) Certification.

43.18(1) The secretary of agriculture shall, upon receipt of the analysis provided in rule 21—43.16(201A), certify the number of pounds of ECCE, using the method provided in rule 21—43.14(201A). The certification shall be forwarded to the manufacturer or producer from whom the sample was obtained by written notice and sent by United States mail.

Each certification of ECCE should be based on the average of a maximum of five analyses from five samples. Each new analysis received should be added to the previous five analyses and the oldest analysis shall be omitted. Fewer than five analyses shall be averaged on the basis of the actual number of analyses. Nothing in this rule shall preclude a manufacturer or producer from having a certification on separate stockpiles of agricultural liming material provided that each stockpile shall be separated from any other stockpile and each separate stockpile has been sampled and certified as required.

43.18(2) All agricultural liming material or specialty limestone offered for sale, sold or otherwise distributed shall be offered for sale, sold or distributed by the pound of ECCE. Any person who offers for sale, sells or distributes agricultural liming material or specialty limestone shall affix or cause to be affixed to every bill of lading, scale ticket, delivery receipt or other instrument of sale or package the certification of the secretary of agriculture of the number of pounds of ECCE per ton in the agricultural liming material or specialty limestone. The certification shall be in the following form: Iowa Secretary of Agriculture Certified _____ pounds ECCE per ton. The pounds of ECCE certified by the secretary of agriculture for the agricultural liming material or specialty limestone shall be inserted in the space provided.

43.18(3) Agricultural liming material which has been further processed, subsequent to certification, as provided in rule 21—43.14(201A), including but not limited to decreasing or increasing moisture content, shall have the certification adjusted accordingly. Within 48 hours from the time of delivery, the adjusted certification shall be provided to the ultimate consumer of the agricultural liming material in writing together with the certification as provided in subrule 43.18(2) and shall accurately reflect the ECCE of the agricultural liming material.

43.18(4) All agricultural liming material and specialty limestone certifications shall expire on January 1, three years after being issued, provided no samples have been obtained and analyzed.

21—43.19(201A) Compliance with certification. If official sampling and analysis of agricultural liming material or specialty limestone in accordance with subrule 43.15(3) and rule 21—43.16(201A) indicates that the agricultural liming material or specialty limestone does not meet a minimum of 90 percent of the certification as provided in rule 21—43.18(201A), the secretary shall notify the manufacturer or producer of the agricultural liming material or specialty limestone that the certification must be corrected prior to any further sale, distribution or offer for sale of the agricultural liming material or specialty limestone in Iowa. The secretary may request that monetary reimbursement be made to the purchaser to rectify the deficiency of the agricultural liming material or specialty limestone and that the monetary reimbursement be reported to the department. Reimbursement must be made within 30 days of the reported deficiency.

21—43.20(201A) Labeling. Agricultural liming material shall not be offered for sale, sold or otherwise distributed in this state unless a label accompanies the agricultural liming material which provides the identification of the type of agricultural liming material in accordance with rule 21—43.13(201A).

21—43.21(201A) Toxic materials prohibited. It shall be unlawful for any manufacturer or producer of agricultural liming material or specialty limestone to sell, distribute or offer for sale any agricultural liming material or specialty limestone which contains toxic materials in quantities injurious to plant, animal, human or aquatic life or which causes soil or water contamination. The secretary may require additional laboratory analysis be conducted and results submitted to the department by the manufacturer or producer of agricultural liming material or specialty limestone to determine that the product does not contain an injurious quantity of toxic materials.

21—43.22(201A) Added materials. It shall be unlawful to sell, distribute or offer for sale any agricultural liming material or specialty limestone which contains other added materials unless the added materials are registered and guaranteed as provided in Iowa Code section 200.5(1), except binding materials used in the production of pelletized lime as defined in rule 21—43.13(201A).

21—43.23(201A) Egg shells. The following shall apply to any agricultural liming material that consists primarily of egg shells:

1. With the exception of numbered paragraph “2,” the material shall be stored in a structure that prevents precipitation from contacting the stored material.
2. The material may be stored in a manner not meeting the requirements of numbered paragraph “1” for a period of not more than 14 days in the field where the material will be land-applied.

These rules are intended to implement Iowa Code chapters 200, 201, and 201A.

RA 26-135

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 59
"Exhibition Requirements"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 163.2A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 163

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to clarify, consolidate, and update rules for the exhibition of animals in Iowa at exhibitions, demonstrations, shows, competitions, and fairs. Rules related to exhibition of animals were previously found in several chapters. This rulemaking organizes all exhibition rules for all animals into one chapter.

Analysis of Impact

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

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

Persons exhibiting animals as well as the exhibitions in the State of Iowa will bear the costs.

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

Persons who own animals in the State of Iowa, agricultural producers, animal exhibitors, and the general public will benefit from the proposed rulemaking. The exhibition requirements ensure that animals exhibited are healthy and free from infectious, contagious, and communicable diseases, which prevents the spread of disease and provides a safer environment for all exhibitors to participate in.

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:**

Exhibitors will incur costs to identify their animals, to have appropriate testing prior to exhibition, and to obtain a certificate of veterinary inspection for their animals prior to exhibition when

applicable. Some classes of exhibitors are exempt from obtaining a certificate of veterinary inspection. Exhibitions will have to pay a veterinarian to supervise the health of the animals at the exhibition.

- **Qualitative description of impact:**

The rules create uniform animal health requirements at exhibitions that are public events, ensuring the health of exhibited animals, the animals of Iowa, and the people of Iowa. Mandatory identification allows for traceability of animals in the case of a disease outbreak. The requirements for cleaning and sanitation also keep animals healthy.

3. **Costs to the State:**

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

Departmental costs are minimal. Minor staff costs will occur with the review of poultry and swine exhibitions and swine exhibition reporting. Enforcement will fall to the Department, but with all exhibitor requirements being consolidated into one chapter, compliance will also be improved.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction leaves these rules in multiple locations with outdated requirements. By consolidating all rules related to exhibitions into one location, this rulemaking provides an improved compliance outcome and increases efficiency. The proposed rulemaking also provides efficiencies for animal traceability in the event of a disease outbreak that could otherwise lead to severe economic and trade implications for agriculture in Iowa.

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

The proposed rulemaking provides the most efficient and reasonable requirements for exhibitions that adequately ensure the health of exhibited animals and animals within Iowa. No less costly or less intrusive methods exist that would effectively ensure the health of animals exhibited in Iowa.

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

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

The Department considered retaining the current rules with these provisions located throughout rather than providing more concise and consistent direction on exhibition requirements.

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

The current rule scheme, with scattered rules, has led to confusion for those exhibiting animals, especially for exhibitions that include multiple species. This rulemaking provides reasonable and consistent requirements that provide necessary disease traceability.

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?

The proposed rulemaking does not pose any substantial impact on small business. By consolidating the rules into one location, compliance is more likely to be achieved because the requirements are more easily discernable. Exemptions previously provided in rule for certificates of veterinary inspection (CVIs) for 4-H and FFA exhibitors at county fairs are maintained in this rulemaking and balance the burden on younger exhibitors while still ensuring the health of animals at those exhibitions. Digital registration and reporting for exhibitions reduces paper and costs.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 21—Chapter 59:

CHAPTER 59
EXHIBITION REQUIREMENTS

21—59.1(163) Definitions.

"Animal" means any nonhuman vertebrate of the kingdom Animalia.

"Cervid" means all animals belonging to the Cervidae family.

"CWD monitored herd" means a herd of cervids enrolled in the chronic wasting disease herd certification program, as defined by 9 CFR Part 55, dated February 8, 2002, as one-year, two-year, three-year, four-year and five-year monitored herds in accordance with the time in years such herds have been in compliance with the chronic wasting disease herd certification program.

"Exhibition" means an exhibit, demonstration, show or competition involving an event on the state fairgrounds, a county fair or another exhibition event.

"Foreign animal disease" means diseases of animals not known to exist in the United States.

"Livestock" means the same as defined in Iowa Code section 717.1.

"NAHLN laboratory" means an approved diagnostic laboratory participating in the National Animal Health Laboratory Network.

"Official electronic identification" means a nationally unique identification tag approved by the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS) that is permanently associated with an animal bearing the U.S. shield and that must be visually and electronically readable.

"Official veterinarian" means a licensed and accredited veterinarian retained by the exhibition who is responsible for the inspection of animals for disease, verifying certificates of veterinary inspection and overseeing animal health during the exhibition.

"Poultry" means chickens, turkeys, domestic waterfowl, domestic game birds, ratites and exhibition birds, excluding doves and pigeons.

"Poultry exhibition" means an exhibition, demonstration, show, competition, sale, swap meet, flea market or live bird market involving poultry.

"Swine exhibition" means an exhibit, demonstration, show or competition involving an event on the state fairgrounds, a county fair or another exhibition event involving swine.

21—59.2(163) Health requirements for exhibition of animals.

59.2(1) *General requirements.*

a. Animals must not originate from an area under quarantine.

b. All animals originating from out of state must meet the state of Iowa's import requirements as outlined in 21—Chapter 65.

59.2(2) *Certificate of veterinary inspection.* Animals are not eligible for exhibition until the owner or agent presents an official certificate of veterinary inspection unless otherwise exempt by these rules. No certificate of veterinary inspection will be required on livestock, poultry and birds exhibited at a county 4-H or FFA show.

a. The certificate of veterinary inspection must be issued by a licensed and accredited veterinarian prior to entry into the show as indicated below.

(1) Swine within seven days prior to the date of entry into the exhibition grounds.

(2) Sheep within 14 days prior to the date of entry into the exhibition grounds.

(3) All animals, except swine and sheep, within 30 days prior to the entry into the exhibition grounds.

b. The certificate of veterinary inspection must indicate that the veterinarian has inspected the animals and any nurse stock that accompany them, the date inspected and that they are apparently free from symptoms of any infectious, contagious or communicable disease.

c. Any evidence of any infectious, contagious or communicable disease, including but not limited to warts, ringworm (club lamb fungus), draining abscesses, footrot, sore mouth or pink eye, shall eliminate the animal from the show.

d. Individual official identification must be listed on the certificate of veterinary inspection unless otherwise exempted.

e. Individual certificates of veterinary inspection will not be required in certain classes if the division superintendent for the exhibition has made prior arrangements with the official veterinarian and state veterinarian to have all animals inspected on arrival.

59.2(3) *Official veterinarian.*

a. The state fair must have an official veterinarian.

b. County fairs and other exhibitions must have an official veterinarian who will inspect all livestock, poultry and birds when they are unloaded or shortly thereafter.

59.2(4) *Removal from fair or exhibition.* The official veterinarian in charge shall order that any animals found to be infected with any infectious, contagious or communicable disease are to be immediately isolated from the remainder of the animals until such time the infected animal(s) can be removed from the fair or exhibition. The state veterinarian must be notified immediately upon any suspicion of a reportable or foreign animal disease as defined in rule 21—64.1(163), and all animals afflicted with or exposed to suspected foreign animal disease must be isolated.

59.2(5) *Disinfection.*

a. State fair—disinfection of livestock quarters. It shall be the duty of the livestock superintendents under the authority of the chief of the division of animal industry to supervise the disinfection of all buildings, stalls and pens at the state fairgrounds just prior to the opening of such fair and in between shows.

b. County fairs and other exhibitions—disinfection of livestock quarters. It shall be the duty of all secretaries of all county fairs or exhibitions of livestock or livestock superintendents in the state of Iowa, at exhibitions other than the state fair, to supervise the disinfecting of all buildings, stalls and pens prior to the opening of such county fair or exhibition of livestock and in between shows.

59.2(6) *Cattle.*

a. Individual identification. All cattle intended for exhibition shall have individual official identification. Acceptable forms of official individual identification include a USDA APHIS-approved electronic identification tag bearing the U.S. shield or a purebred registry tattoo if the certificate of veterinary inspection is accompanied with registration papers that show the purebred registry tattoo.

b. Certificate of veterinary inspection. All cattle intended for exhibition shall be accompanied by a certificate of veterinary inspection that lists individual official identification.

c. Out of state. All cattle originating from out of state must meet the state of Iowa's import requirements as outlined in 21—Chapter 65.

59.2(7) *Swine.*

a. Individual identification. All swine intended for exhibition shall have individual official electronic identification.

b. Certificate of veterinary inspection.

(1) All swine intended for exhibition shall be accompanied by a certificate of veterinary inspection that lists individual official electronic identification.

(2) All swine shall be inspected again upon arrival at the exhibition site and before the swine are unloaded or leave a designated and isolated inspection area.

(3) Biosecurity and sanitary practices shall be implemented for all inspections.

c. Pseudorabies testing. Swine originating outside Iowa must have a negative test for pseudorabies within 30 days prior to the show. Test results must be listed on the certificate of veterinary inspection. Individual show regulations may have more restrictive time restrictions.

d. Out of state. All swine originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

e. Registration of swine exhibitions. All exhibitions that include the exhibition of swine must be registered with and approved by the state veterinarian at least 30 days prior to the exhibition. The sponsor must electronically file the approved registration form. The registration form includes the name of the exhibition and the physical address, telephone number and premises identification number of its location; the name, physical address and telephone number of the veterinarian; and the date(s) of the exhibition. Sales of swine will not be allowed unless the event has been registered with and received approval from the state veterinarian at least 30 days prior to the event.

f. Swine exhibition report required. The sponsor of the swine exhibition shall electronically submit to the department the approved report form within five business days after the conclusion of the exhibition. The form includes the following:

(1) Name of the exhibition and the physical address, telephone number and premises identification number of its location;

(2) Name, physical address and telephone number of the veterinarian;

(3) Date(s) that the exhibition occurred;

(4) Name, physical address, telephone number and premises identification number of the owner of the swine, if different than the premises of origin;

(5) Name, physical address and telephone number of the premises of origin and the physical address, telephone number and premises identification number of the premises from which the swine was moved after the exhibition if such premises is a different premises; and

(6) Official electronic identification.

g. Inspection of swine. The sponsor of the exhibition must retain an Iowa licensed and accredited veterinarian to supervise the health of the swine at the exhibition location.

59.2(8) *Sheep and goats.*

a. Individual identification. All sheep and goats intended for exhibition shall be individually identified.

(1) Sheep. All sexually intact sheep and wethers 18 months of age and older must be identified with an individual scrapie flock of origin identification tag, and this number must be listed on the certificate of veterinary inspection.

(2) Goats. All sexually intact goats and wethers 18 months of age and over must be identified with an individual scrapie flock of origin identification tag or by an official registered tattoo, and one of these numbers must be listed on the certificate of veterinary inspection. The certificate of veterinary inspection must be accompanied by the registered tattoo paperwork.

b. Certificate of veterinary inspection. All sheep and goats intended for exhibition shall be accompanied by a certificate of veterinary inspection that lists individual identification.

c. Out of state. All sheep and goats originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

59.2(9) *Horses and mules.* All horses and mules intended for exhibition shall be accompanied by a certificate of veterinary inspection that lists a description that includes name, age, breed, sex, color and distinctive markings, or in lieu of color and distinctive markings, digital photographs sufficient to identify the individual equine (pictures of front and both sides), and may include unique permanent forms of identification if available (tattoos, microchips, brands). All horses and mules originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

59.2(10) *Poultry and birds.*

a. Certificate of veterinary inspection. All poultry and birds intended for exhibition shall be accompanied by a certificate of veterinary inspection.

b. Testing. All poultry and birds exhibited must come from U.S. pullorum-typhoid clean or equivalent flocks or have had a negative pullorum-typhoid test performed within 90 days of the exhibition by an authorized tester or a licensed and accredited veterinarian. Approved test results must accompany the poultry and birds. An approved certificate verifying this status shall accompany the exhibit.

c. Registration of poultry exhibitions/sales. All exhibitions and sales that include the exhibition or sale of poultry must be registered with and approved by the state veterinarian at least 30 days prior to the exhibition. The sponsor must electronically file the approved registration form. The registration form includes:

(1) Name of the exhibition and the physical address, telephone number and premises identification number of its location.

(2) Name, physical address and telephone number of the veterinarian.

(3) Name and tester number of the pullorum-typhoid tester.

(4) Date(s) of the exhibition.

d. Inspection of poultry. A licensed and accredited veterinarian shall inspect all poultry on the premises of the poultry exhibition, show or sale on the day of the activity to ensure poultry are free of infectious, contagious or communicable disease. All poultry showing signs of any infectious, contagious or communicable disease shall be removed from the premises immediately. The state veterinarian must be notified immediately upon any suspicion of a reportable or foreign animal disease as defined in rule 21—64.1(163), and all animals afflicted with or exposed to suspected foreign animal disease must be isolated.

e. Sales. The sale of poultry will not be allowed at unregulated facilities or events, including but not limited to flea markets, swap meets and live bird markets, unless such facilities or events have been registered with and approved by the state veterinarian at least 30 days prior to the event.

f. Out of state. All poultry and birds originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

59.2(11) *Dogs and cats.* Dogs and cats exhibited must have current, official rabies vaccination certificates. A certificate of veterinary inspection is not required for in-state dogs and cats. All dogs and cats originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

59.2(12) *Cervids.*

a. Individual identification. All cervids intended for exhibition shall have individual official identification.

b. Certificate of veterinary inspection. All cervids intended for exhibition shall be accompanied by a certificate of veterinary inspection listing individual official identification.

c. Chronic wasting disease. All cervids intended for exhibition shall originate from a CWD monitored herd that has been enrolled in the program for at least one year. All cervids must have been kept for at least one year or have been natural additions.

d. Out of state. All cervids originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

These rules are intended to implement Iowa Code sections 163.1 and 163.14.

RA 26-136

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 60
"Hatcheries and Chick Dealers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 163.2A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 159, 163, 168 and 197 and 9 CFR Part 145

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to clarify, update and maintain rules for hatcheries and chick dealers and provide for regulations for the sale of baby chicks within the State of Iowa. The rules were updated to reflect the most current version of 9 CFR Part 145 and to separate rules related to exhibitions, which are being moved into a consolidated exhibition chapter in a concurrent rulemaking (RA 26-135, IAB 7/8/26). This rulemaking maintains protections for Iowa's poultry industry by regulating diseases in poultry.

Analysis of Impact

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

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

Persons and businesses operating as a chick dealer or hatchery as well as turkey and chick producers will bear the costs of this proposed rulemaking.

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

Poultry producers as well as the public will benefit from this proposed rulemaking by ensuring that hatching eggs, baby chicks, and domestic fowl are healthy through identified disease control programs.

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 maintains the current licensing requirement for hatcheries and baby chick dealers and maintains applicable fees.

- **Qualitative description of impact:**

The proposed rules adopt the most current version of federal regulations, providing a consistent approach to allow poultry sales to occur while preventing the spread of disease.

3. **Costs to the State:**

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

Administrative costs will be minimal and handled by existing agency resources.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Failure to adopt the most current federal regulations could jeopardize Iowa's pullorum-typhoid free status and mycoplasma-clean status. Inaction would lead to disease spread and impact Iowa's poultry.

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

No less costly or less intrusive methods exist.

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

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

The Department considered maintaining the rules as they currently exist or creating State-specific rules.

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

This rulemaking provides consistency with federal standards. Creating State-specific rules would result in increased costs to the State and poultry producers. Eliminating rules would allow for disease transmission.

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?

These rules do not have an impact on small business. They provide uniform standards and consistency with federal standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 60 and adopt the following **new** chapter in lieu thereof:

CHAPTER 60
HATCHERIES AND CHICK DEALERS

21—60.1(168) Chickens, turkeys, domestic waterfowl, and domestic game birds.

60.1(1) For the purpose of assisting the state of Iowa in maintaining its pullorum-typhoid free status, the secretary adopts the provisions of 9 CFR §145.23(b)(3)(i) through (vii), §145.33(b)(3)(i) through (vii), §145.43(b)(3)(i) through (vi), §145.53(b)(3)(i) through (vii), §145.73(b)(2)(i), §145.83(b)(2)(i), §145.93(b)(3)(i) through (vii), and §145.103(b)(3)(i) through (ix) dated September 30, 2025.

60.1(2) All hatching eggs, baby chicks or started pullets must originate from flocks or hatcheries that are pullorum-typhoid clean as defined by 9 CFR 145.23 dated September 30, 2025.

60.1(3) All boxes, crates, coops or other containers shall be new or disinfected before being used to move poultry within the state of Iowa. Each such box, crate, coop or other container that is attached to a customer lot shall be plainly labeled by identifying the customer lot thereof with a label to be supplied by the National Poultry Improvement Plan (NPIP)-recognized official state contact agency. The label shall contain the name of the seller and a description of the contents as specified in Iowa Code section 168.5(4).

21—60.2(168) License for hatcheries and dealers of baby chicks or domestic fowl.

60.2(1) License for hatcheries. In order to qualify for the license to engage in the business of custom hatching or producing baby chicks and other baby domestic fowl under six weeks of age for sale within this state, the applicant shall comply with the following requirements:

a. An application for a license shall be accompanied by the required license fee.

b. All hatchery applicants shall assist the state in maintaining its pullorum-typhoid free status by accompanying license application with evidence or affidavit indicating compliance with regulations of 9 CFR Part 145 dated September 30, 2025.

60.2(2) License for dealers of baby chicks and domestic fowl. In order to qualify for the license to engage in the business of offering baby chicks and domestic fowl for sale or selling them within this state, the applicant shall comply with the following requirement: an application for a license shall be accompanied by the required license fee.

60.2(3) Prior to issuing the license, the department of agriculture and land stewardship may inspect the applicant's business establishment. All the requirements of Iowa Code section 168.5 shall be complied with.

21—60.3(163) Turkeys. All turkey-hatching eggs or turkey poults must originate from flocks or hatcheries that comply with the following requirements of the department.

60.3(1) For the purpose of assisting the state of Iowa in maintaining its U.S. mycoplasma gallisepticum clean state status, the secretary adopts the provisions of 9 CFR §145.44(c), §145.14(b) and §145.43(c) dated September 30, 2025.

60.3(2) All eggs used for hatching shall be identified by the flock owner as to the flock of origin.

60.3(3) Flock and hatchery owners shall report any signs of respiratory disease to the department.

These rules are intended to implement Iowa Code sections 159.1, 163.1, 168.2, 168.5, 168.6, 168.7, and 197.1.

RA 26-137

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 61
"Dead Animal Disposal"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 167.13
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 167

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to clarify and update rules for the disposal of dead animals and licensing for disposal plants, collection points and transporters within the State of Iowa. Rules include specification for dead animal disposal plants, collection points and transporters to ensure disease is not spread.

Analysis of Impact

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

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

Persons in the business of disposing of dead animals, including disposal plants, collection points, transporters and persons who own animals, bear the cost of this rulemaking.

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

Iowa livestock producers, animal owners and the public will benefit from this proposed rulemaking, which ensures that animals are properly disposed of and disease is not spread.

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:**

The licensing fee for disposal plants, collection points and transporters of dead animals has been maintained in this rulemaking. Disposal plants must provide the Department with a copy of their blueprints. Animal owners will bear the cost of disposing of their dead animals.

- **Qualitative description of impact:**

This rulemaking ensures that dead animals are properly disposed of in a timely manner to prevent the spread of disease.

3. **Costs to the State:**

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

The agency will bear administrative costs for licensing and inspections.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction would not provide adequate assurances that dead animals are disposed of properly by disposal plants and in a timely manner by animal owners, which could result in the spread of disease impacting Iowa's agricultural economy.

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

No less costly or less intrusive alternatives exist without impacting animal health.

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

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

The Department considered alternatives for the time frame to dispose of dead animals and relaxing regulations.

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

Extending the time frame to dispose of dead animals or relaxing the requirements of disposal plants, collection points or transporters of dead animals would lead to an increased risk of diseases spreading.

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 rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 61 and adopt the following **new** chapter in lieu thereof:

CHAPTER 61
DEAD ANIMAL DISPOSAL

21—61.1(167) Disposal plant specifications. No place shall be deemed suitable or sanitary for disposing of the bodies of dead animals unless it conforms to the following specifications:

61.1(1) No liquid wastes, either from the process or from washings, shall be discharged into any stream or watercourse or on the surface of the ground.

61.1(2) All sewage from the washing of floors, wagons and trucks and all liquid wastes from the rendering process shall be disposed of by:

a. Evaporation.

b. Sterilization by boiling.

c. Through a series of septic tanks proven adequate to handle and render nonpathogenic the quantity of material discharged at maximum capacity of the plant.

This rule is intended to implement Iowa Code sections 167.11 and 167.12.

21—61.2(167) Disposal plant plans. A construction drawing of a disposal plant that is stamped and certified by a licensed professional engineer must be submitted to the department prior to construction. The construction drawing must include any covered or underground portion of the disposal plant and also include any tanks, vats, pipes, drains and valves, in detail. Any alteration in construction that is to be made shall be provided to the department before construction is undertaken.

This rule is intended to implement Iowa Code section 167.11.

21—61.3(167) Conveyances requirements. Conveyances for transporting carcasses of animals must be provided with a watertight bed or tank not less than 24 inches in depth; be all metal or metal-lined and watertight at least 4 inches above the general level of the bottom of the box or bed; have an endgate that is metal or metal-lined, hinged at the bottom of the box or bed and fastened firmly at the top when closed; and have an endgate with an effect on the inside to fit snugly over the end of the bed.

This rule is intended to implement Iowa Code section 167.15.

21—61.4(167) Disposal plant trucks. All trucks used for transporting carcasses of dead animals on highways must be owned and operated by a licensed disposal plant. The name, address and license number of the plant shall be painted on both sides of the truck in letters not less than four inches high and in a color in definite contrast to the body color of the truck.

This rule is intended to implement Iowa Code section 167.15.

21—61.5(167) Disposal employees. In cases where licensed disposal plants have employees operating trucks in other cities or towns, the employees must operate under the name of the licensed disposal plant by which they are employed, and this applies to all advertisements and listings.

This rule is intended to implement Iowa Code section 167.15.

21—61.6(167) Tarpaulins. No disposal plant truck shall be moved on the highway without having a tarpaulin that is adequate to cover the bed of the truck and anything contained therein. If any carcass is contained in the truck or the truck has not been thoroughly cleaned, such tarpaulin must be in place covering the bed of the truck and its contents. Such tarpaulin must have no holes through which flies can pass.

This rule is intended to implement Iowa Code section 167.15.

21—61.7(167) Disposal vehicles—disinfection. Whenever a vehicle or person in charge thereof has been upon any premises for the purpose of removing the carcass of any animal, or where animals are dead or dying, before such vehicle can be taken upon a public highway or upon other premises and before leaving the premises of the rendering plant on each trip, the wheels of such vehicles and shoes or boots of all persons having been upon such infected premises shall be disinfected thoroughly with an effective disinfectant per the manufacturer’s label. Facilities and materials for disinfection shall be carried on the truck at all times.

This rule is intended to implement Iowa Code section 167.17.

21—61.8(167) Rendering plant—spraying. It will be necessary for the management of each rendering or processing plant to spray the inside of each building, including the doors, windows and screens, as well as all trucks used in transporting the bodies of dead animals, with a fly control agent to maintain effective fly control.

This rule is intended to implement Iowa Code section 167.13.

21—61.9(167) Noncommunicable diseases—carcasses. All carcasses of animals dead from noncommunicable diseases shall be disposed of within 48 hours. In the event that the owner neglects or refuses to make such disposition of the carcass(es), then the disposal of the same shall be handled in accordance with rule 21—61.11(167).

This rule is intended to implement Iowa Code section 167.18.

21—61.10(167) Carcass disposal—streams. All persons are strictly forbidden to throw the carcass of any animal into any river, stream, lake or pond or to bury the carcass of any animal less than 100 feet from any river, stream, lake, pond or tile drain.

This rule is intended to implement Iowa Code section 167.18.

21—61.11(167) Improper disposal. When the owner of any animal, dead from any cause, neglects or refuses to make proper disposition of the carcasses of such animals, it shall be the duty of the township trustees or local board of health to supervise the disposal of such carcasses.

This rule is intended to implement Iowa Code section 167.13.

RA 26-138

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 62
"Registration of Iowa-Foaled Horses"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 99D.22(4)"a"
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 99D

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to streamline, update and consolidate rules for the registration and eligibility for the Iowa-foaled horse program. This chapter governs the administration of the Iowa Horse Breeders' Fund for quarter horses, standardbreds and thoroughbreds through the establishment of residency requirements and registration procedures.

Analysis of Impact

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

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

Owners and breeders of quarter horses, standardbreds and thoroughbreds participating in Iowa horse racing will bear the cost of these rules.

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

Iowa horse breeders participating in Iowa horse racing will benefit from the proposed rulemaking. Iowa's agricultural economy will also benefit since veterinary care and housing are provided to the horses participating in this program.

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:**

Horse breeders and owners will bear the cost of registering horses.

- **Qualitative description of impact:**

This proposed rulemaking provides regulations for Iowa horse breeders, including residency, inspection and registration requirements, to be able to receive financial rewards from the Iowa Horse Breeders' Fund; removes requirements that are redundant with the Iowa Code; and consolidates requirements for all breeds where appropriate.

3. **Costs to the State:**

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

The agency will bear administrative costs for registration and inspections.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction would allow bulky and redundant rules that discourage owners and breeders from participating in the Iowa-foaled horse program, impacting Iowa's agricultural economy.

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

No less costly or less intrusive alternatives exist.

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

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

The Department considered allowing third parties or horse breeders and owners to self-certify for residency requirements.

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

Allowing horse breeders and owners to self-certify residency requirements would not provide adequate assurances that all horses are meeting residency requirements and could reduce the integrity of the Iowa-foaled horse program.

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 rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 62 and adopt the following **new** chapter in lieu thereof:

CHAPTER 62
REGISTRATION OF IOWA-FOALED HORSES

21—62.1(99D) Definitions. For purposes of this chapter, unless a different meaning is clearly indicated by the context:

"Department" means the Iowa department of agriculture and land stewardship.

"Owner of a thoroughbred stallion," "owner of a standardbred stallion" or *"owner of a quarter horse stallion"* means the person who owns at least 51 percent of a thoroughbred, standardbred or quarter horse stallion for one service season or more.

"Secretary" means the Iowa secretary of agriculture.

21—62.2(99D) Iowa horse breeders' fund and Iowa thoroughbred horse breeders' promotion fund.

62.2(1) Iowa-foaled horses records and breeder payments:

a. The department will establish and maintain a records system titled the "Iowa horse breeders' fund." This records system will feature a list of thoroughbred, standardbred and quarter horses that have qualified to be Iowa-foaled horses.

b. A sum equal to 12 percent of the purse won by an Iowa-foaled horse shall be used to promote the horse breeding industry. This percentage shall be applicable to all races that are limited to Iowa-foaled horses as well as all other races that are won by Iowa-foaled horses.

c. The 12 percent shall be withheld by the licensee from the breakage and shall be paid at the end of the race meeting to the department, which, in turn, shall deposit the 12 percent in a special fund to be known as the "Iowa horse breeders' fund" and pay the 12 percent by December 31 of each calendar year to the breeder of the winning Iowa-foaled horse.

d. A sum equal to 6 percent of the purse won by an Iowa-foaled thoroughbred horse shall be used as a supplement to promote the thoroughbred horse breeding industry for horses placing second through fourth place. This percentage shall be applicable to all thoroughbred races that are held at Prairie Meadows racetrack.

e. The 6 percent supplement shall be withheld by the licensee from the horse breeders' fund for thoroughbreds and shall be paid at the end of the race meeting to the department, which, in turn, shall deposit it in a special fund to be known as the "Iowa thoroughbred horse breeders' promotion fund." This fund will pay 6 percent of the money earned to each horse placing second, third and fourth place by December 31 of each calendar year to the breeder of the Iowa-foaled thoroughbred horse.

62.2(2) All foals/horses qualified through the department to be Iowa-foaled horses will be listed by a department registration number.

62.2(3) As the department receives this money from the licensee, the department shall credit each horse, by registration number, with the amount. At the end of each calendar year, the department shall pay the amount credited to winning Iowa-foaled horses to the Iowa-foaled horse breeder.

62.2(4) The department will implement and maintain a system of keeping the Iowa state racing commission informed and updated relative to all horses that are eligible to race as Iowa-foaled.

62.2(5) The department shall have the authority to inspect the premises to verify that the animals are maintained under conditions appropriate to each species to ensure that the animals are properly cared for and that the standards of proper animal welfare are met.

21—62.3(99D) Forms. The following forms to qualify thoroughbred, standardbred and quarter horses as registered Iowa-foaled horses can be obtained from the department. The forms shall provide for the applicant to certify the truthfulness and accuracy of the information.

62.3(1) Application for Iowa Stallion Eligibility, Form S-1.

62.3(2) Stallion Transfer of Ownership, Form S-6.

62.3(3) Record of Mares Bred, Form S-3.

62.3(4) Broodmare Registration Application, Form M-4.

62.3(5) Mare Status Report, Form M-5.

62.3(6) Mare Transfer of Ownership, Form M-6.

62.3(7) Application for Iowa-Foaled Registration, Form I-6.

21—62.4(99D) Disciplinary actions.

62.4(1) A person shall not knowingly provide false information to the department. If the department finds that a person knowingly furnished false information to the department relating to the registration of a horse under these rules, then the department may deny, temporarily suspend or permanently suspend all registrations and eligibility certificates by or on behalf of the person. The department may withhold payment of breeder's awards to a breeder if the breeder is not in compliance with Iowa Code chapter 717 or rules adopted pursuant to that chapter. If a breeder does not come into compliance, the department may deny the registration of a breeder's foals. In addition, the department may temporarily or permanently suspend previously approved registrations.

62.4(2) Upon receipt of information from the Iowa racing and gaming commission that a person has been disqualified from licensure (suspended for 365 days or denied), the department shall deny, temporarily suspend or permanently suspend all registrations and eligibility certificates by or on behalf of the person. The department may determine that horses certified as Iowa-foaled horses prior to commission action are eligible to race as Iowa-foaled; however, the disqualified person is denied receipt of moneys from the Iowa horse breeders' fund. If the Iowa racing and gaming commission subsequently grants licensing privileges to a previously disqualified person, the department shall make an independent determination as to the person's eligibility to have registrations and eligibility certificates by or on behalf of the person reinstated or granted.

62.4(3) Whenever action is taken under this rule, the department shall remit the withheld breakage to the breakage pool at the track where the money was generated. In such cases, the money shall instead be retained by the racetrack and distributed in the manner as provided in Iowa Code section 99D.12.

62.4(4) The registration of an Iowa-foaled horse shall not be denied or suspended under this rule if either of the following applies:

a. The horse had previously been owned by the person subject to discipline, but the horse had been, in good faith, transferred to another person prior to the imposition of discipline by the department. The department, however, may still impose the discipline if the department determines that the purpose of the transfer was to circumvent the discipline.

b. The horse is in the possession of or under the control of a person subject to discipline, but the person has never had an ownership interest in the horse.

21—62.5(99D) Access to premises and records. The department inspectors shall have access to records and to the premises on which qualified Iowa-foaled horses are kept.

DIVISION I
IOWA REGISTERED STALLION REQUIREMENTS

21—62.6(99D) Notification requirements for Iowa registered stallions. The owner or owner's authorized representative must give immediate notification to the department if a stallion leaves the state. If the stallion leaves the state for breeding purposes, the stallion will no longer be registered. Subsequently, if the owner(s) wish to return the stallion to service in Iowa, the original application procedure will be required. If an Iowa registered stallion is moved within Iowa to stand at another location, the department must be notified before the stallion is offered for service at the new Iowa location. If an Iowa registered stallion is moved, temporarily, to another state for medication, its certification will remain valid as long as the department is properly notified.

21—62.7(99D) Stallion qualification and application procedure. To qualify a stallion as an Iowa registered stallion, the owner is required to complete the application for Iowa Stallion Eligibility and forward it to the Horse Racing Section, Iowa Department of Agriculture and Land Stewardship. This registration shall be valid as long as all stallion residency and notification procedures are properly met.

62.7(1) In the event of a sale or transfer of ownership of a stallion, qualified with the department, the transfer of ownership shall be executed on the Stallion Transfer of Ownership Form S-6.

62.7(2) If the new owner(s) wish to qualify the stallion as an Iowa stallion, then the new owner(s) must submit an application for Iowa Stallion Eligibility along with a copy of the bill of sale and meet all other department requirements.

21—62.8(99D) Application information.

62.8(1) Every person wanting to offer or stand a stallion as an Iowa registered stallion must file with the department a written application, utilizing Form S-1, and providing the following:

a. Name of stallion;

b. The name(s) of the owner(s) and address(es);

c. The place where the stallion stood for service during the previous year;

d. The place where the stallion will stand for service;

e. A statement that the stallion will not stand for service any place outside the state of Iowa during the calendar year in which the foal is conceived; and

f. Details concerning right of ownership, such as a bill of sale, contract or other documents providing proof of ownership, which must show any agreements concerning breeding rights, repurchase agreements and other types of concessions; and any other relevant information requested by the department.

62.8(2) An official certificate of registration will be returned within ten working days to the applicant.

21—62.9(99D) Breeding record—report of mares bred. Every person offering or standing any stallion for services as an Iowa registered stallion shall maintain a complete breeding record of the stallion and all mares of any breed bred to the stallion.

62.9(1) Such records shall be available to the department for inspection by a department inspector and shall include the following information:

a. The name of the mare;

b. The dam and sire of the mare;

c. The name and address, including zip code, of the owner(s) of the mare;

d. The first and last dates on which the stallion was bred to the mare;

e. The place where the stallion was standing for service at the time of the breeding of the mare;

f. The person(s) in charge of the stallion at the time of service to the mare; and

g. Any other relevant information requested by the department.

62.9(2) A report titled "Record of Mares Bred" must be filed with the department by September 1 of each year. The report must be filed on Form S-3 provided by the department.

DIVISION II
IOWA-FOALED HORSES AND BROODMARES

21—62.10(99D) Iowa-foaled horses and broodmares. To qualify for the Iowa horse breeders' fund program, horses must be Iowa-foaled.

62.10(1) Eligibility for broodmare residence and Iowa-foaled status shall be determined by the department by conducting both a pre-foal inspection of the broodmare and post-foal inspection of the broodmare and foal.

a. Pre-foal inspection of the broodmare. A foal shall not be eligible for Iowa-foaled status if it cannot be determined when the broodmare began her residency. However, a foal may be registered if the owner of the broodmare submits a signed, dated and notarized affidavit. The affidavit must attest that the broodmare arrived on a specific date in Iowa and remained in Iowa through foaling. In addition, the affidavit shall also contain the name of the broodmare and the state number of the

broodmare. It must be postmarked to the department prior to the foal being born. Documentation from a third party supporting the broodmare's residency must be included with the affidavit.

b. Post-foal inspection of the broodmare and foal. A foal shall not be eligible for Iowa-foaled status if the broodmare and foal leave or are removed from the state before the foal is inspected by a department inspector. However, a foal may be registered if it left or was removed from the state prior to the post-foal inspection by the department if all of the following conditions are met:

(1) The owner of the foal submits a signed, dated and notarized affidavit executed by a veterinarian licensed to practice in Iowa. The affidavit must attest that the veterinarian saw the foal within seven days of its birth, that the veterinarian has reason to believe that the foal was born in Iowa, and the basis for the veterinarian's belief that the foal was born in Iowa. In addition, the affidavit shall also contain the name of the broodmare, the state number of the broodmare, the sex and a physical description of the foal, the date of the birth and the foaling address. It must be postmarked to the department no more than ten days after foaling.

(2) The owner has filed a timely Mare Status Report, Form M-5, on the mare of the foal.

62.10(2) Additionally, for broodmares to be eligible for the Iowa horse breeders' fund program and for their foals to be eligible to enter races limited to Iowa-foaled horses, it is required that:

a. A Broodmare Registration Application, Form M-4, must be submitted to the department prior to foaling. This registration will cover the mare her entire productive life as long as there is not a change of ownership and the mare meets the eligibility rules set forth in Iowa Code chapter 99D.

b. The owner(s) of the mare must complete and return the Mare Status Report to the department by December 1 of the year bred.

c. The Mare Status Report must show the place where the mare will foal in this state and the person who will be responsible for the mare at the time of foaling.

d. The Mare Status Report must indicate whether the mare is to be bred back to an Iowa registered stallion or to a stallion standing at service outside the state of Iowa. If the breeding plans as stated on the Mare Status Report are changed, the department must be notified.

62.10(3) A Mare Transfer of Ownership, Form M-6, must be submitted to the department when a mare already in the program is purchased by a new owner. The Mare Transfer of Ownership will provide the following information:

a. Name of mare;
b. Date of transfer;
c. Color of mare;
d. State registration number;
e. National breed registration number;
f. Date of sale;
g. Name, address, and phone number of seller; and
h. Name, address, and phone number of buyer.

21—62.11(99D) Iowa-foaled horse status. A foal from a broodmare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

62.11(1) An application to be an Iowa-foaled horse must be filed with the department. The application must be filed on an Application for Iowa-Foaled Registration, Form I-6, provided by the department.

62.11(2) The form shall be completed by the owner(s) of the foal or horse or by the owner's authorized representative. This registration will cover the foal or horse its entire productive life.

62.11(3) The owner(s) shall complete an application for an Iowa-foaled registration, showing the name of the broodmare; name of the sire; date of foaling; and color, sex, and markings of the foal or horse.

a. Thoroughbred foals. To complete the official registration of an Iowa-foaled horse, the owner(s) must forward the Jockey Club Certificate by registered mail to the department. If the horse has met all requirements for registration, the department shall affix its official seal on the face of

the Jockey Club Certificate, which shall include the department's registration number for the horse, and return the certificate within ten working days from the date of receipt. In the event the horse has met all requirements for registration but the department fails to affix its official seal on the face of the Jockey Club Certificate after proper presentation, the list of Iowa-foaled horses prepared by the department shall serve as official notification of Iowa-foaled status until the department's official seal is affixed. If the Jockey Club Certificate is lost or destroyed, a duplicate Jockey Club Certificate for that horse must be forwarded to the department and must be recertified by the department.

b. Standardbred foals. The department will verify registration with the U.S. Trotting Association, and if the horse has met all requirements for Iowa-foaled registration, the department shall place the name and number of the horse on the official department list of Iowa-foaled standardbreds. Placement on the list shall constitute the official certification of the horse as Iowa-foaled.

c. Quarter horse foals. To complete the official registration of an Iowa-foaled horse, the owner(s) must forward the American Quarter Horse Association Certificate to the department. If the horse has met all requirements for registration, the department shall affix its official seal on the face of the American Quarter Horse Association Certificate, which shall include the department's registration number for the horse, and return the certificate within ten working days from the date of receipt. In the event the horse has met all requirements for registration but the department fails to affix its official seal on the face of the American Quarter Horse Association Certificate after proper presentation, the list of Iowa-foaled horses prepared by the department shall serve as official notification of Iowa-foaled status until the department's official seal is affixed. If the American Quarter Horse Association Certificate is lost or destroyed, a duplicate American Quarter Horse Association Certificate for that horse must be forwarded to the department and must be recertified by the department.

21—62.12(99D) Quarter horse embryo transfer for Iowa-foaled status. Quarter horse embryo transfers may be eligible for Iowa-foaled status in accordance with the following provisions:

62.12(1) The recipient mare must be in the state of Iowa before the first day of December the year prior to foaling and must remain in Iowa until the foal or foals are born and are inspected by the department.

62.12(2) There is no limit to the number of foals eligible for Iowa-foaled status, provided the donor mare or a recipient mare:

a. Carries the foal full term;

b. Meets all the required Iowa rules; and

c. Is inspected by the department.

62.12(3) Registration and status reports of recipient mares and donor mares must be submitted to the department with proper identification, including but not limited to registration certificates, brands, and identification numbers prior to the time the donor mare is serviced.

62.12(4) Recipient mares must have a name, brand, or some means of identification and must be photographed for inspection purposes.

These rules are intended to implement Iowa Code section 99D.22.

RA 26-139

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 63
"Branding"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 169A.13A(4)
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 169A

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to clarify rules for the registration and use of livestock brands in the State of Iowa.

Analysis of Impact

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

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

Livestock owners will bear the costs of the proposed rulemaking.

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

Livestock owners utilizing brands will benefit from the 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:**

Livestock owners utilizing brands will bear the cost of registration fees.

- **Qualitative description of impact:**

This proposed rulemaking provides for registration and utilization of livestock brands as well as resolution if brands are in conflict with one another.

3. **Costs to the State:**

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

The agency will bear administrative costs for registration.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

Inaction would allow brands to be utilized indiscriminately. The lack of regulations around brands could lead to conflicting brands.

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

No less costly or intrusive alternatives exist.

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

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

The Department considered allowing unrestricted utilization of brands.

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

Unrestricted use of brands will create conflict among livestock owners.

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 rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 63 and adopt the following **new** chapter in lieu thereof:

CHAPTER 63
BRANDING

21—63.1(169A) Location of brands on livestock.

63.1(1) Brands shall be recorded on one of either side of the animals, in any one of three locations: shoulder, rib, or hip.

63.1(2) For brands recorded prior to 1996, each location is considered a separate brand and not in or under conflict with the same or similar brand in a different location or on a different side.

This rule is intended to implement Iowa Code section 169A.5.

21—63.2(169A) Brands in conflict.

63.2(1) Whenever two or more brands are determined by the secretary to be in or under conflict, the secretary shall give written notice to the brand owners.

63.2(2) When herds bearing a similar brand are maintained in close proximity to each other, and the secretary determines that confusion or conflict may arise therefrom, then the secretary shall direct any change or changes in the position of the brands so as to remove such confusion or conflict.

63.2(3) When two or more brands are determined by the secretary to be in or under conflict, then the owner having recorded said brand on the earliest date shall be given preference in retaining said brand.

This rule is intended to implement Iowa Code section 169A.4.

RA 26-140

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 64
"Infectious and Contagious Diseases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 163.2A, 165A.3 and 189A.13
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 163 and 189A and 9 CFR Parts 54, 55 and 79

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to protect Iowa's livestock from infectious, contagious and communicable disease by providing a framework for reporting and responding to animal disease. This rulemaking modernizes the reportable disease list to be consistent with federal reportable diseases. Disease response regulations were updated to the most current version of 9 CFR. This rulemaking ensures rapid detection and response to disease, safeguarding the food supply and protecting the public from zoonotic disease.

Analysis of Impact

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

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

Livestock and companion animal owners will bear the cost of the proposed rulemaking.

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

Livestock owners, companion animal owners and the general public will benefit from the rulemaking because it ensures rapid detection and response to disease, safeguarding the food supply and protecting the public from zoonotic disease.

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:**

Livestock and companion animal owners will bear the cost of complying with required testing and identification of animals. Veterinarians will bear a minimal administrative cost.

- **Qualitative description of impact:**

This proposed rulemaking ensures the health of Iowa's animals and allows for the response to infectious, contagious or communicable diseases.

3. **Costs to the State:**

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

The agency will bear the costs for implementing disease response activities.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Failure to maintain and evolve a comprehensive reportable disease list would allow the spread of disease and a delayed response, impacting Iowa's agricultural economy and resulting in loss of trade. This rulemaking allows for rapid containment of diseases that pose serious threats to Iowa.

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

No less costly or intrusive alternatives exist.

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

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

The Department considered reducing the scope of the reportable disease list.

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

Reducing the reportable disease list would increase the risk for disease to go unreported, allow for the spread of disease, and reduce the Department's agility to respond.

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 rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 64 and adopt the following **new** chapter in lieu thereof:

CHAPTER 64
INFECTIOUS AND CONTAGIOUS DISEASES

21—64.1(163) Reporting disease. Whenever any person or persons who shall have knowledge of the existence of any infectious or contagious disease, such disease affecting the animals within the state or resulting in exposure thereto, which may prove detrimental to the health of the animals within the state, it shall be the duty of such person or persons to report the same in writing to the state veterinarian, animal health division, who shall then take such action as deemed necessary for the suppression and prevention of such disease. The following named diseases are infectious, contagious or communicable, and the diagnosis or suspected diagnosis of any of these diseases, as well as any disease classified by the World Organization for Animal Health and any disease classified by the United States Department of Agriculture (USDA) as a foreign animal disease, in animals must be reported promptly to the Iowa department of agriculture and land stewardship by the veterinarian making the diagnosis or suspected diagnosis.

64.1(1) *Multiple species diseases.*

a. Anthrax (*Bacillus anthracis*).
b. Bluetongue (Serotype 8).
c. Brucellosis.
d. Crimean Congo hemorrhagic fever.
e. Echinococcosis/hydatidosis.
f. Epizootic hemorrhagic disease.
g. Equine encephalomyelitis (Eastern).
h. Foot and mouth disease.
i. Heartwater.
j. Highly pathogenic avian influenza.
k. Japanese encephalitis.
l. Johne's disease (Paratuberculosis, *Mycobacterium avium paratuberculosis*).
m. Leishmaniosis.
n. Leptospirosis.
o. Meliodsosis (*Burkholderia pseudomallei*).
p. Mycobacterium tuberculosis complex (*M. bovis*, *M. caprae*, *M. tuberculosis*).
q. New world screwworm (*Cochliomyia hominivorax*).
r. Old world screwworm (*Chrysomya bezziana*).
s. Infection with orthobunyuaviruses—Simbu serogroup (Akbane virus, Schmallenberg virus).
t. Pseudorabies (Aujeszky's disease).
u. Q fever.
v. Rabies.
w. Rift Valley fever.
x. Rinderpest.
y. SARS-CoV-2.
z. Surra (*Trypanosoma evansi*).
aa. Trichinellosis.
ab. Trypanosomiasis (tsetse-transmitted, *Trypanosoma congolense*, *T. vivax*, *T. brucei*, *T. simiae*).
ac. Tularemia.
ad. Vesicular stomatitis.
ae. West Nile Virus.

64.1(2) *Cattle diseases.*

a. Anaplasmosis (*Anaplasma marginale*, *A. centrale*).
b. Bovine babesiosis (*Babesia bovis*, *B. bigemina*, *B. divergens*).
c. Bovine genital campylobacteriosis (*Campylobacter fetus venerealis*).
d. Bovine spongiform encephalopathy.
e. Bovine viral diarrhea (BVD, mucosal disease).
f. Contagious bovine pleuropneumonia (*Mycoplasma mycoides mycoides*).
g. Enzootic bovine leukosis (BLV).

h. Haemorrhagic septicaemia (*Pasteurella multocisa*, serotypes B/Asian or E/African).
i. Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV).
j. Malignant catarrhal fever.
k. Lumpy skin disease.
l. Theileriosis (*Theileria annulata*, *T. orientalis*, *T. pava*).
m. Trichomonosis.

64.1(3) *Swine diseases.*

a. African swine fever.
b. Classical swine fever (hog cholera).
c. Nipah virus.
d. Porcine cysticercosis (*Taenia solium*).
e. Porcine reproductive and respiratory syndrome (PRRS).
f. Swine vesicular disease.
g. Transmissible gastroenteritis.

64.1(4) *Sheep and goat diseases.*

a. Caprine arthritis/encephalitis.
b. Contagious agalactia (*Mycoplasma agalactiae*, *M. Capricolum capricolum*, *M. putrefaciens*, *M. mycoides capri*, *M. mycoides mycoides* LC).
c. Contagious caprine pleuropneumonia (*Mycoplasma capricolum capripneumoniae*).
d. Enzootic abortion of ewes (ovine chlamydiosis, *Chlamydophila abortus*).
e. Maedi-visna/ovine progressive pneumonia.
f. Mange (*Sarcoptes scabiei var ovis*, *Chorioptes bovis*, *Psoroptes ovis*, *P. cuniculi*, *Psoregates ovis*).
g. Nairobi sheep disease.
h. Peste des petits ruminants.
i. Salmonellosis (*Salmonella abortusovis*).
j. Scrapie.
k. Sheep pox and goat pox.
l. Theleriosis (*Theileria lestoquardi*, *T. luwenshuni*, *T. uilenbergi*).

64.1(5) *Equine diseases.*

a. African horse sickness.
b. Contagious equine metritis (CEM, *Taylorella equigenitalis*).
c. Dourine (Trypanosoma equiperdum).
d. Equine infectious anemia (EIA).
e. Equine influenza (virus type A).
f. Equine piroplasmosis (babesiosis, *Theileria equi*, *Babesia caballi*).
g. Equine rhinopneumonitis.
h. Equine viral arteritis.
i. Glanders (*Burkholderia mallei*).
j. Hendra.
k. Pigeon Fever (*Corynebacterium pseudotuberculosis*, ulcerative lymphangitis).
l. Strangles (*Streptococcus equi equi*).
m. Venezuelan equine encephalomyelitis.
n. Western equine encephalomyelitis.

64.1(6) *Avian diseases.*

a. Avian chlamydiosis.
b. Avian infectious bronchitis.
c. Avian infectious laryngotracheitis.
d. Avian metapneumovirus (domestic poultry).
e. Avian mycoplasmosis (*M. gallisepticum*).
f. Avian mycoplasmosis (*M. synoviae*).

g. Duck virus hepatitis (domestic poultry).
h. Fowl cholera.
i. Fowl typhoid (*Salmonella enterica—Gallinarum*).
j. Low pathogenic avian influenza in poultry.
k. Infectious bursal disease (Gumboro disease).
l. Marek's disease.
m. Newcastle disease (domestic poultry).
n. Pullorum disease (*Salmonella enterica—Pullorum*).

64.1(7) *Lagomorph diseases.*
a. Myxomatosis.
b. Rabbit haemorrhagic disease.

64.1(8) *Fish diseases.*
a. Epizootic haematopoietic necrosis (EHN).
b. Epizootic ulcerative syndrome (*Aphanomyces invadans*, EUS).
c. Gyrodactylosis (*Gyrodactylus salaris*).
d. Infection with *Megalocytivirus pargus* 1 (infectious spleen and kidney necrosis virus (ISKNV), turbot reddish body iridovirus (TRBIV), red sea bream iridoviral disease (RSIV)).
e. Infectious salmon anemia (ISA).
f. Infection with salmonid alphavirus (SAV).
g. Koi herpesvirus disease.
h. Spring viraemia of carp (SVC).
i. Viral hemorrhagic septicemia (VHS).

64.1(9) *Mollusk diseases.*
a. Infection with abalone herpes virus.
b. Infection with *Bonamia exitiosa*.
c. Infection with *Bonamia ostreae*.
d. Infection with *Haplosporidian nelsoni* (Hp).
e. Infection with *Marteilia refringens*.
f. Infection with *Mikrocytos mackini*.
g. Infection with Ostreid herpesvirus-1.
h. Infection with *Perkinsus marinus*.
i. Infection with *Perkinsus olseni*.
j. Infection with *Xenohaliotis californiensis*.

64.1(10) *Crustacean diseases.*
a. Acute hepatopancreatic necrosis disease (*Vibrio parahaemolyticus* pVA-1 plasmid).
b. Crayfish plague (*Aphanomyces astaci*).
c. Infection with decapod iridescent virus (DIV1).
d. Infection with *Enterocytozoon hepatopenaei* (EHP).
e. Infectious hypodermal and haematopoietic necrosis (IHHN).
f. Infectious myonecrosis (IMN).
g. Necrotizing hepatopancreatitis (*Hepatobacter penaei* NHP).
h. Taura syndrome (TS).
i. White spot syndrome (WSS).
j. White tail disease (*Macrobrachium rosenbergii* nodovirus).
k. Yellowhead disease (yellow head virus genotype 1).

64.1(11) *Amphibian diseases.*
a. Infection with *Batrachochytrium dendrobatidis* or *B. salamandrivorans* (*Bsal*).
b. Infection with ranavirus (*Ranavirus* species).

64.1(12) *Other diseases.*
a. Camel pox.
b. Chronic wasting disease.

c. Infection of dromedary camels with Middle East Respiratory Syndrome coronavirus (MERS).

Reporting is required for any case or suspicious case of an animal having any disease that may be caused by bioterrorism, epidemic or pandemic disease, or novel or highly fatal infectious agents or biological toxins and that might pose a substantial risk of a significant number of animal fatalities, incidents of acute short-term illness in animals, or incidents of permanent or long-term disability in animals.

This rule is intended to implement Iowa Code sections 163.1, 163.2, 189A.12, 189A.13 and 197.5.

21—64.2(163) Definitions.

"Accredited veterinarian" means the same as defined in rule 21—65.1(163).

"Administrator" means the administrator of the Animal and Plant Health Inspection Service (APHIS) of USDA or any employee of USDA to whom the administrator has delegated authority to act on behalf of the administrator.

"APHIS representative" means an individual employed by USDA APHIS in animal health activities who is authorized by the administrator to perform the functions and duties involved.

"Approved laboratory" means an American Association of Veterinary Laboratory Diagnosticians (AAVLD)-accredited laboratory or the National Veterinary Services Laboratory in Ames, Iowa.

"Certificate of veterinary inspection" or *"CVI"* means the same as defined in 21—65.1(163).

"Certified CWD cervid herd" means a herd of cervids that has been enrolled in the CWD Herd Certification Program and has attained certified status as defined by 9 CFR Part 55 dated February 9, 2022.

"Cervid" means all animals belonging to the family Cervidae.

"Cervid CWD surveillance identification program" or *"CCWDSI program"* means a CWD surveillance program that requires identification and laboratory diagnosis on all deaths of cervids 12 months of age and older, including but not limited to deaths by slaughter, hunting, illness, and injury for at least five years, unless the herd owner purchases or assembles a herd of animals from herds with certified status and concurrently enrolls the resulting herd in a state herd certification program.

"Chronic wasting disease" or *"CWD"* means a transmissible spongiform encephalopathy of cervids.

"Commingle" means to group animals together in a manner that allows them to have physical contact with each other, including contact through a fence, but not limited contact. Commingling includes sharing the same section in a transportation unit where physical contact can occur.

"Department" means the Iowa department of agriculture and land stewardship.

"Designated epidemiologist" means a veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian.

"Directly to slaughter" means movement from a farm to a slaughter establishment as defined in Iowa Code chapter 163, excluding movement through an auction market or livestock dealer's place of business.

"Disease" means any harmful divergence from an animal's normal physiological or structural state that disrupts vital functions and may include but is not limited to bacteria, virus, fungus protozoa, and parasites.

"Exposed" means that an animal has stood on a premises with or been in contact with any animal known to be affected with a contagious, infectious or transmissible disease; been placed in a premises, stable, yard or other enclosure where such diseased animal or animals have been kept unless such premises, stable, yard or other enclosure has been thoroughly cleaned and disinfected after containing animals so affected; or had contact indirectly through fomites, including but not limited to vectors, inanimate objects, people, aerosols, water and feed.

"Flock identification number" or *"flock ID number"* means the unique alphanumeric premises identification number that appears on the official identification issued to a flock; that conforms with

the standards for an epidemiologically distinct premises as outlined in 9 CFR 79.1 dated August 21, 2001; and that is assigned by USDA and approved by the department.

"Foreign animal disease" means an important transmissible disease of animals that is not known to exist in the United States.

"Individual CWD herd plan" means a written herd management and testing plan that is designed by the herd owner; the owner's veterinarian, if requested; and a designated epidemiologist to identify and eradicate CWD from an affected, exposed or adjacent herd.

"Low pathogenic avian influenza" or *"LPAI"* means an infectious, contagious disease of poultry caused by Type A influenza virus. For the purposes of these rules, LPAI shall include only subtypes identified as H5 or H7.

"LPAI affected" means a designation applied to poultry diagnosed as infected with LPAI based on laboratory results, clinical signs or epidemiologic investigation.

"Monitored CWD cervid herd" means a herd of cervids that is in compliance with the CCWDSI program as defined in this rule. Monitored herds are defined as one-year, two-year, three-year, four-year, and five-year monitored herds in accordance with the time in years such herds have been in compliance with the CCWDSI program.

"Official cervid identification" means the same as defined in 21—Chapter 65.

"Official CWD test" means a test approved by the USDA APHIS administrator to diagnose CWD that is conducted at an official laboratory approved by the USDA APHIS administrator.

"Official individual identification" means the same as defined in rule 21—65.1(163).

"Official laboratory" means a USDA-approved, AAVLD-accredited laboratory or the National Veterinary Services Laboratory in Ames, Iowa.

"Owner" means a person, partnership, company or corporation or any other legal entity that has legal or rightful title to animals.

"Owner statement" means a statement signed by an owner certifying that the sexually intact animals are not scrapie-positive, suspect, high-risk or exposed and that they did not originate from an infected, source, exposed or noncompliant flock.

"Permit" means an official document for movement of affected or exposed animals that is issued by the state veterinarian, or USDA Area Veterinarian-in-Charge, or designee.

"Premises" means a parcel of land, ground, an area, buildings, enclosures or facilities sufficient to house animals.

"Poultry" means the same as defined in rule 21—65.1(163).

"Poultry flock" means a group of poultry, generally of the same age, that are hatched, housed, managed and sold together as one unit.

"Quarantine" means the perfect isolation of all diseased or suspected animals from contact with other animals as well as the exclusion of other animals from the premises, yards, stables, enclosures or grounds where suspected or diseased animals are or have been kept. Movement of animals or animal products is strictly prohibited without specific written permission.

"Scrapie" means a nonfebrile, transmissible, insidious degenerative disease affecting the central nervous system of sheep and goats.

"Scrapie eradication program" means the cooperative state-federal-industry program administered by USDA APHIS and states to control and eradicate scrapie.

"Scrapie flock certification program" or *"SFCP"* means a voluntary state-federal-industry cooperative program established and maintained to reduce the occurrence and spread of scrapie, to identify flocks that have been free of evidence of scrapie over specified time periods, and to contribute to the eventual eradication of scrapie. This program was formerly known as the voluntary scrapie flock certification program.

"Scrapie flock plan" means the same as "postexposure management and monitoring plan" or "PEMMP" as described in 9 CFR 54.8 dated August 21, 2001.

"Sheep or goat flock" means a group of sheep or goats, or a mixture of both species, residing on the same premises or under common ownership or supervision on two or more premises with animal

interchange between the premises. Changes in ownership of part or all of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock.

"Slaughter" or *"disposal"* means the removal or depopulation of the poultry flock.

"Source flock" means a flock in which a department or USDA APHIS representative has determined that at least one animal was born that was diagnosed as a scrapie-positive animal at an age of 72 months or less.

"State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Guam.

"Trace" means all actions required to identify the origin or destination of an animal.

"Traceback" means the process of identifying the herd of origin of CCWDSI-positive animals, including herds that were sold for slaughter.

21—64.3(163) Disease prevention and suppression. Whenever the chief of the division of animal industry shall have knowledge of an outbreak of any contagious, infectious or communicable disease among domestic animals in the state, the chief of the division of animal industry shall take such action as necessary for the prevention and suppression of such disease, including establishment, enforcement and maintenance of quarantines. The chief of the division of animal industry is authorized and empowered to obtain the assistance of any peace officer.

This rule is intended to implement Iowa Code sections 163.1 and 163.10.

21—64.4(163) Sale of vaccine. No attenuated or live culture vaccine or virus shall be sold or offered for sale at retail except to a licensed veterinarian of this state, nor shall it be administered to any livestock or poultry, except by or under the supervision of a licensed veterinarian of the state of Iowa.

This rule is intended to implement Iowa Code section 163.1.

21—64.5(163) Chiefs of Iowa and U.S. animal industries to cooperate. The department hereby authorizes and directs the chief of the division of animal industry to cooperate with USDA in all regulations for the prevention, control and eradication of contagious and infectious diseases among domestic animals in the state of Iowa.

This rule is intended to implement Iowa Code section 163.1.

21—64.6(163) Animal blood or tissue sample collection. Any animal slaughtered in Iowa is subject to having blood or tissue samples taken in order to determine whether the animal is infected with an infectious, contagious or communicable disease. Upon written notification from the department or USDA, the management of a slaughter facility shall provide for or permit the collection of blood or tissue samples for testing from any animal confined at or being slaughtered at such a facility. If the department or USDA chooses to place government employees or private contractors in the facility for the purpose of collecting the blood or tissue samples, neither the facility nor the management of the facility shall charge a fee for providing such access. In addition, the slaughter facility shall provide blood or tissue collectors access to facilities routinely available to plant employees such as restrooms, lockers, break rooms, lunchrooms, and storage facilities to facilitate blood or tissue collection in the same manner and on the same terms as the facility provides access to the facility to meat inspectors employed by the department or the Food Safety Inspection Service of USDA.

GLANDERS AND FARCY CONTROL

21—64.7(163) Preventing spread of glanders. No person owning or having the care or custody of any animal affected with glanders or farcy, or that there is a reason to believe is affected with said disease, shall lead, drive or permit such animal to go on or over any public grounds, unenclosed lands, street, road, public highway, lane or alley; permit such animal to drink at any public watering trough, pail or spring; or keep such diseased animal in any enclosure in or from which such diseased animal may come in contact with, or in proximity to, any animal not affected with such disease.

This rule is intended to implement Iowa Code section 163.20.

21—64.8(163) Disposal of diseased animal. Whenever any animal affected with glanders dies or is destroyed, the carcass of such animal shall be disposed of as determined by the department. Because glanders is transmissible to human beings, great care must be exercised in handling diseased animals or carcasses.

This rule is intended to implement Iowa Code section 163.1.

21—64.9(163) Glanders quarantine. It shall be the duty of the chief of the division of animal industry to maintain quarantine on all animals affected with glanders until such animals have been destroyed by consent of the owner or otherwise, carcasses have been disposed of in accordance with rule 21—64.8(163), and the premises where the same have been kept have been thoroughly cleaned and disinfected.

This rule is intended to implement Iowa Code sections 163.1 and 163.2.

RABIES CONTROL

21—64.10(163) Rabies—exposed animals. Whenever rabies is known to exist in any community, it shall be the duty of all owners of exposed animals to immediately confine animals securely to prevent them from spreading the infection should they develop the disease.

This rule is intended to implement Iowa Code sections 163.1 and 351.39.

21—64.11(163) Rabies quarantine. When quarantine is established in any community on account of the existence of rabies, all dogs not confined or muzzled shall be promptly destroyed.

This rule is intended to implement Iowa Code sections 163.1 and 351.40.

21—64.12(351) Control and prevention of rabies.

64.12(1) *Antirabies vaccine.* Vaccines and immunization procedures recommended in the Compendium of Animal Rabies Prevention and Control prepared by the National Association of Public Health Veterinarians (NASPHV), Inc., 2016 edition, are approved by the department.

64.12(2) *Tag and certificate.*

a. A veterinarian shall issue a tag with the numerical number thereon, and the certificate of vaccination shall designate the tag number.

b. Each rabies vaccination certificate issued by the veterinarian must be the NASPHV Form #51, Rabies Vaccination Certificate, which can be obtained from vaccine manufacturers or the NASPHV website (www.nasphv.org). The form must be completed in full and signed by the administering or supervising veterinarian. Computer-generated forms containing the same information are acceptable.

This rule is intended to implement Iowa Code sections 351.35 and 163.1.

BRUCELLOSIS

21—64.13(163) Certified brucellosis-free herd. In order to qualify a herd of cattle as brucellosis-free and receive a certificate evidencing the same, the owner thereof shall comply with the following requirements:

64.13(1) *Certified brucellosis-free herd.* A herd may qualify for initial certification by a minimum of four consecutive negative brucellosis ring tests (BRTs) conducted at not less than 90-day intervals; or at least two consecutive negative blood tests not less than 10 months nor more than 14 months apart. A herd may qualify for recertification by a negative blood test within 10 to 12 months of each anniversary date, and the certification period being 12 months. If recertification is not conducted within 60 days following the anniversary date, then certification may be reinstated if a herd blood test is conducted within 14 months of the last certificate date.

a. One of the following methods may be used to qualify a herd as certified brucellosis-free:

(1) Conducting at least two consecutive negative herd blood tests not less than 10 months nor more than 14 months apart, or

(2) For dairy cattle, conducting a minimum of four consecutive negative BRTs, or other brucellosis milk test approved by the USDA APHIS administrator, not less than 90 days after the last negative BRT or other official brucellosis milk test approved by the USDA APHIS administrator.

b. Certification will remain in effect for one year beginning with the date of issuance of the certified brucellosis-free herd certificate. One of the following methods may be used to maintain certification:

(1) A negative herd blood test conducted within 10 to 12 months of the last certification date for continuous status. Lapsed certification may be reinstated if a herd blood test is conducted within 14 months of the last certificate date. A new certification test date may be established by the owner and if the herd is negative to a herd blood test on that date, provided that the date is within one year of the previous certification date; or

(2) For dairy cattle, a minimum of four consecutive negative BRTs, or other official brucellosis milk test approved by the USDA APHIS administrator, must be conducted at approximately 90-day intervals, with the fourth test conducted within 60 days before the one-year anniversary of the previous certification date.

64.13(2) *Additions to certified herds.*

a. Movement of cattle or bison into a certified brucellosis-free herd must meet the state of Iowa import requirements for cattle or bison as prescribed in 21—Chapter 65.

b. Cattle or bison from a certified brucellosis-free herd, area or state do not need to be tested prior to movement. However, they must be tested within 60 to 120 days after being added in order to qualify for certified brucellosis-free status for sale purposes.

64.13(3) *Request for certification or recertification.* The owner or veterinarian shall make a request to the chief of the division of animal industry for certification or recertification for a brucellosis-free herd when the required tests are completed.

This rule is intended to implement Iowa Code section 164.4.

21—64.14(163) Restraining animals. To facilitate the vaccination, the taking of a blood sample or identifying animals as reactors, it shall be the duty of the owner to confine the animals in a suitable enclosure and to restrain the individual animal in a manner sufficient to permit the veterinarian to perform any of the services required under laws and rules of Iowa.

This rule is intended to implement Iowa Code section 164.4.

21—64.15(163) Quarantines.

64.15(1) Bovine animals classified as reactors shall be quarantined on the premises and not permitted to mingle with other cattle until disposed of for slaughter under a permit issued by the department or its authorized agent.

64.15(2) All bovine animals comprising a herd operating under an individual herd plan shall be quarantined when one of the herd's members has been classified as a reactor, and such quarantine is to remain in effect until three consecutive negative herd blood tests have been made, with the first negative herd blood test occurring 30 to 60 days after all reactors have been removed from the herd and slaughtered. The second of these tests must occur 180 to 210 days after all reactors have been removed from the herd and slaughtered. The third test (releasing test) must occur 365 days or more after all reactors have been removed and slaughtered. The releasing test must include all intact cattle, bison, or both over six months of age. No animals of such a herd may be moved or sold except to slaughter under a permit issued by the department or its authorized agent except that the department in hardship cases may permit the movement of such animals other than to slaughter with quarantines remaining in effect at the new location, together with any new animals with which they may commingle.

64.15(3) Owners of animals tested for brucellosis shall hold the entire herd on the premises until the results of the test are determined.

64.15(4) Notice of quarantine shall be delivered in writing by the department or its authorized agent to the owner or caretaker of all cattle quarantined.

This rule is intended to implement Iowa Code sections 164.15 and 164.19.

21—64.16(163) Identification of bovine animals.

64.16(1) *Identification tag.* Every veterinarian, in conjunction with the testing of any bovine animal for brucellosis or the vaccination of any such animal, shall insert an electronic identification tag of the type approved by the department in the right ear of each animal that is not so identified, provided that in the case of an animal registered with a purebred association, the registry or tattoo number assigned to the animal by such association may be used for identification in lieu of an identification tag. Identification must be recorded on the brucellosis test record.

64.16(2) *Official vaccinates.* An animal vaccinated with RB-51 brucella abortus vaccine must have an official electronic identification tag in the right ear or an individual animal registration tattoo. Additionally, the animal must be tattooed in the right ear with the U.S. Registered Shield and the letter "V," which shall be preceded by a letter "R" and followed by a number corresponding to the last digit of the year in which the animal was vaccinated. All vaccinations must be reported at the time of vaccination by submitting the USDA APHIS VS 1-24 or VS 1-26 or comparable form to the department.

64.16(3) *Reactor identification.* Bovine-reactor cattle shall be permanently branded with a hot iron on the tailhead over the fourth to the seventh coccygeal vertebrae with the letter "B" that is at least two inches by two inches, and shall also be tagged in the left ear with a reactor identification tag approved by the department within 15 days of the date of testing.

This rule is intended to implement Iowa Code sections 164.11 and 164.12.

21—64.17(163) Cleaning and disinfection. After any disclosure of reactors to the brucellosis test and following their disposal for slaughter, the owner of such cattle shall be required to clean and disinfect all barns and premises in which said cattle have been held. Such cleaning and disinfection shall be done in accordance with instructions and with a disinfectant approved by the department.

This rule is intended to implement Iowa Code section 163.1.

21—64.18(163) Disposal of reactors.

64.18(1) Reactor cattle disclosed in herds operating under an individual herd plan shall be tagged and branded within 15 days of the date the blood samples were taken. In accordance with Iowa law, an additional 30 days will be allowed for slaughter.

64.18(2) All reactors shall be disposed of for slaughter only in plants operating under federal meat inspection or slaughtering establishment approved by the department and must be accompanied by a shipping permit USDA APHIS VS 1-27 issued by an accredited veterinarian.

64.18(3) No cattle shall be disposed of through public sales or sales barns.

This rule is intended to implement Iowa Code section 164.17.

21—64.19(163) Brucellosis tests and reports. "Brucellosis test" means the blood serum test for brucellosis, applied in accordance with a technique approved by the department.

64.19(1) All brucellosis tests conducted at state-federal expense must be performed at a state-federal laboratory as determined by the department.

64.19(2) Testing shall be conducted by a licensed and accredited veterinarian.

64.19(3) All brucellosis tests conducted by a veterinarian must be reported to the department, on forms prescribed, within seven days following completion of such tests. A copy of such tests shall also be given to the herd owner by the veterinarian.

64.19(4) Reports of vaccination shall be rendered by the veterinarian within 30 days in compliance with the regulation.

This rule is intended to implement Iowa Code section 164.10.

21—64.20(163) Suspect animals designated as reactors. A nonvaccinated animal classified as a suspect on the brucellosis test may be reclassified as a reactor by the veterinarian obtaining the blood sample provided that such an animal is known to have aborted and is from a herd containing reactors.

ERADICATION OF BOVINE TUBERCULOSIS

21—64.21(163) Tuberculosis tests classified. Tuberculosis tests adopted by the department are:

64.21(1) Cervical tuberculin test (CFT).

64.21(2) Comparative cervical tuberculin (CCT).

64.21(3) Bovine interferon gamma for cattle.

64.21(4) Single cervical tuberculin (SCT) test for cervids.

64.21(5) Dual Path Platform VetTB Assay (DPP) test for cervids.

21—64.22(163) Acceptance of bovine tuberculosis tests. The CFT will be accepted provided it has been applied by a regularly employed state or federal veterinarian, by an accredited veterinarian or by an approved veterinarian when endorsed by the authorities of the state of origin, provided the observations be made at the seventy-second hour. CCT or bovine interferon gamma will be accepted provided it has been applied by a regularly employed state or federal veterinarian.

This rule is intended to implement Iowa Code section 164.4.

21—64.23(163) Ear tags. All cattle tested for tuberculosis must be identified by an official electronic identification attached to the right ear.

21—64.24(163) Tuberculin reactors. All cattle that react to the tuberculin test, as well as those which show physical evidence of tuberculosis, shall be marked for identification by branding with the letter "T" not less than two or more than three inches high on the hip near the tailhead, and to the left ear shall be attached a metal tag bearing a serial number and the inscription "REACTOR".

This rule is intended to implement Iowa Code section 165.4.

21—64.25(163) Reporting of tests. Reporting of tests must conform with 9 CFR 77.33(d) dated October 23, 2000.

This rule is intended to implement Iowa Code sections 163.1 and 164.4.

21—64.26(163) Slaughtering reactors.

64.26(1) Reactors to the tuberculin test must be brought directly to slaughter at a slaughtering establishment having federal inspection under a permit.

64.26(2) When it is found on slaughter that animals are affected with tuberculosis, the chief of the division of animal industry may order an immediate investigation and, if deemed advisable, have all cattle on the premises from which the tubercular animals originated tested for tuberculosis.

21—64.27(163) Agriculture tuberculin rules. The rules adopted by the department governing the establishment of tuberculosis-free accredited herds and accredited areas or units in Iowa will be applied to such herds and to areas or units in cooperation with USDA APHIS.

This rule is intended to implement Iowa Code section 165.12.

21—64.28(163) Tuberculosis-free accredited herd. A herd that has passed at least two consecutive official tuberculosis tests of all eligible animals conducted at 9- to 15-month intervals, has no evidence of exposure to bovine tuberculosis and meets the standards of the USDA APHIS Uniform Methods and Rules for Bovine Tuberculosis Eradication dated January 1, 2003, shall be a tuberculosis-free accredited herd.

This rule is intended to implement Iowa Code section 165.12.

21—64.29(163) Recertification. Accredited herd status is maintained through biennial herd testing during a period of three months prior to the anniversary date to three months following the anniversary date. If the reaccreditation test is conducted following the anniversary date, the accredited status of the herd will be suspended until the reaccreditation test is completed.

This rule is intended to implement Iowa Code section 165.32.

21—64.30(163) Supplemental diagnostic testing. Cattle and bison shall not be subjected to a CFT retest at an interval of less than 60 days. The CCT injection must occur either (1) within 10 days following the CFT injection or (2) more than 60 days following the CFT injection. This test shall be administered only by a state or federal veterinarian specifically trained in the application of the test. Bovine interferon gamma assay can be used either (1) in parallel with CCT testing, (2) as a replacement for CCT test for retesting CFT test suspect or (3) in parallel with the CFT test or CCT test in affected herds.

This rule is intended to implement Iowa Code sections 163.1, 165.10, 165.13 and 165.26.

21—64.31(163) Milk. All milk and other dairy products fed to calves shall be pasteurized by a pasteurization method described in 9 CFR 58.101 dated December 31, 1981.

This rule is intended to implement Iowa Code section 163.1.

21—64.32(163) Sanitary measures. All reasonable sanitary measures and other recommendations by the state and federal authorities for the control of tuberculosis shall be complied with.

This rule is intended to implement Iowa Code section 163.1.

21—64.33(163) Reactors—removal. All cattle that react to the tuberculin test are required to be immediately isolated from other cattle.

21—64.34(163) Certificate. Strict compliance with these methods and rules shall entitle the owner of tuberculosis-free herds to a certificate, "TUBERCULOSIS-FREE ACCREDITED HERD", to be issued by USDA APHIS and the division of animal industry of the department. Said certificate shall be good for one year from date of test unless revoked at an earlier date.

This rule is intended to implement Iowa Code section 165.12.

21—64.35(163) Violation of certificate. Failure on the part of the owners to comply with these methods and rules shall be considered sufficient cause for immediate cancellation of the cooperative agreement with them by the state and federal officials.

This rule is intended to implement Iowa Code section 165.12.

21—64.36(163) Tuberculin—administration. In accordance with the provisions of Iowa Code chapter 165, the department shall have control of the sale, distribution and use of all tuberculin used in the state and shall formulate regulations for its distribution and use. Only licensed accredited veterinarians shall be entitled to administer tuberculin to any animal included within the scope of this chapter.

This rule is intended to implement Iowa Code section 165.13.

21—64.37(163) Sale of tuberculin. No person, firm or corporation shall sell or distribute tuberculin to any person or persons in the state of Iowa except to licensed and accredited veterinarians.

This rule is intended to implement Iowa Code section 165.12.

21—64.38(165) Fee schedule.

64.38(1) *Injection.* Thirty dollars per stop (herd) and two dollars per head.

64.38(2) *Reading.* Thirty dollars per stop (herd) and two dollars per head.

64.38(3) *Tagging and branding reactors.* Five dollars for the first reactor and three dollars for each additional reactor.

CHRONIC WASTING DISEASE (CWD)

21—64.39(163) Supervision of the cervid CWD surveillance identification program. The state veterinarian's office will conduct an annual inventory of cervids in a herd enrolled in the CCWDSI program.

21—64.40(163) Surveillance procedures. For cervid herds enrolled in this voluntary certification program, surveillance procedures shall include the following.

64.40(1) *Slaughter establishments.* All slaughtered cervids 12 months of age and older must have brain tissue submitted at slaughter and examined for CWD by an official laboratory. This brain tissue sample will be obtained by a state or federal meat inspector or accredited veterinarian on the premises at the time of slaughter.

64.40(2) *Cervid herds.* All cervid herds must be under continuous surveillance for CWD as defined in the CCWDSI program.

64.40(3) *Identification.* All cervid animals must receive identification before 12 months of age and be identified with two forms of official cervid identification as defined in 21—Chapter 65.

21—64.41(163) Official CWD tests.

64.41(1) The following are recognized as official cervid tests for CWD:

a. Histopathology.

b. Immunohistochemistry.

c. Western blot.

d. Enzyme-linked immunosorbent assay (ELISA).

e. Any other tests performed by an official laboratory to confirm a diagnosis of CWD.

64.41(2) A copy of official laboratory reports shall be maintained by the owner for purposes of completion of the annual inventory examination for recertification. Such diagnosis shall include examination of brain and any other tissue as directed by the state veterinarian. If there are deaths for which tissues were not submitted for laboratory diagnosis due to postmortem changes or unavailability, the department shall determine compliance.

21—64.42(163) Investigation of CWD affected animals identified through surveillance. Traceback must be performed for all animals diagnosed at an official laboratory as affected with CWD. All herds of origin and all adjacent herds having contact with affected animals as determined by the CCWDSI program must be investigated epidemiologically. All herds of origin, adjacent herds, and herds having contact with affected animals or exposed animals must be quarantined. The department will investigate CWD suspect herds.

21—64.43(163) Duration of quarantine. Quarantines placed in accordance with these rules must maintain compliance with rules 21—64.39(163) through 21—64.52(163). Quarantines maintaining compliance shall be removed after five years from the date of the last CWD detected test or after all animals have died or been depopulated and have been tested without the detection of CWD.

21—64.44(163) Individual CWD herd plan. The herd owner; the owner's veterinarian, if requested; and the epidemiologist shall develop a plan for eradicating CWD in each affected herd. The plan must be designed to reduce and then eliminate CWD from the herd, to prevent spread of the disease to other herds, and to prevent reintroduction of CWD after the herd becomes a certified CWD cervid herd. Animals that die, are depopulated, or are otherwise killed must be tested for CWD. The herd plan must be developed and signed within 60 days after the determination that the herd is affected. The plan must address herd management and adhere to rules 21—64.39(163) through 21—64.52(163). The

plan must be formalized as a memorandum of agreement between the owner and program officials, must be approved by the state veterinarian, and must include plans to obtain certified CWD cervid herd status. No movement restrictions may be removed prior to formalization of the agreement.

21—64.45(163) Identification and disposal requirements. Affected and exposed animals must remain on the premises where they are found until they are identified and disposed of in accordance with direction from the state veterinarian. The department and the Iowa department of natural resources shall approve disposal issues of affected and exposed animals including manner and site.

21—64.46(163) Cleaning and disinfecting. Premises must be cleaned and disinfected under state supervision within 15 days after affected animals have been removed.

21—64.47(163) Methods for obtaining certified CWD cervid herd status. Certified CWD cervid herd status must include all cervids under common ownership. The animals that are part of a certified herd cannot be commingled with other cervids that are not certified, and a minimum geographic separation of 30 feet between herds of different status must be maintained in accordance with the USDA Chronic Wasting Disease Program Standards dated May 2019. The escape, disappearance or death of any cervid shall be promptly reported along with identification numbers and estimated time of escape, disappearance or death. Tissue samples shall be available. A herd may qualify for status as a certified CWD cervid herd by one of the following means:

64.47(1) Purchasing a certified CWD cervid herd. Upon request and with proof of purchase, the department shall issue a new certificate in the new owner's name. The anniversary date and herd status for the purchased animals shall be the same as for the herd to which the animals are added, or if part or all of the purchased herd is moved directly to premises that have no other cervids, the herd may retain the certified CWD status of the herd of origin. The anniversary date of the new herd is the date of the most recent herd certification status certificate.

64.47(2) Upon request and with proof by records, a herd owner shall be issued a certified CWD cervid herd certificate by complying with the CCWDSI program for a period of five years.

21—64.48(163) Recertification of CWD cervid herds. A herd is certified for 12 months. Annual inventories conducted by the department, a licensed and accredited veterinarian, or authorized state or federal personnel are required every 9 to 15 months from the anniversary date. A complete physical herd inventory will be completed by the department, a licensed and accredited veterinarian, or authorized federal personnel every three years. For continuous certification, adherence to the provisions in these rules and all other state laws and rules pertaining to raising cervids is required. A herd's certification status is immediately terminated and a herd investigation shall be initiated if CWD affected or exposed animals are determined to originate from that herd.

21—64.49(163) Movement into a certified CWD cervid herd.

64.49(1) Animals originating from certified CWD cervid herds may move into another certified CWD cervid herd with no change in the status of the herd of destination.

64.49(2) The movement of animals originating from noncertified or lesser status herds into certified CWD cervid herds will result in the redesignation of the herd of destination to the lesser status.

21—64.50(163) Movement into a monitored CWD cervid herd.

64.50(1) Animals originating from a monitored CWD cervid herd may move into another monitored CWD cervid herd of the same status.

64.50(2) The movement of animals originating from a herd that is not a monitored CWD cervid herd or from a lower status monitored CWD cervid herd will result in the redesignation of the herd of destination to the lesser status.

21—64.51(163) Recognition of monitored CWD cervid herds. The state veterinarian shall issue a monitored CWD cervid herd certificate, including CWD monitored herd status as CWD monitored Level 1 during the first calendar year, CWD monitored Level 2 during the second calendar year, CWD monitored Level 3 during the third calendar year, CWD monitored Level 4 during the fourth calendar year, CWD monitored Level 5 during the fifth calendar year, and CWD certification at the completion of the fifth year and thereafter so long as program standards are met.

21—64.52(163) Recognition of certified CWD cervid herds. The state veterinarian shall issue a certified CWD cervid herd certificate when the herd first qualifies for certification. The state veterinarian shall issue a renewal form annually so long as program standards are met.

PARATUBERCULOSIS (JOHNE'S) DISEASE CONTROL IN CATTLE

21—64.53(165A) Supervision of the Johne's disease program. The state veterinarian's office will provide supervision for the Johne's disease program.

21—64.54(165A) Official Johne's disease tests. Official tests include but are not limited to:

1. Fecal and tissue culture.
2. Direct fecal polymerase chain reaction (PCR).
3. Histology of tissue.

21—64.55(165A) Herd plan. The herd owner; the owner's veterinarian, if requested; and the department may develop a plan for preventing the introduction of and controlling the spread of Johne's disease in each affected herd.

21—64.56(165A) Identification and disposal requirements. Affected animals must remain on the premises where they are found until they are permanently identified with an official electronic identification tag by an accredited veterinarian. Affected animals may be moved only for the purpose of consigning the animal to slaughter.

21—64.57(165A) Segregation, cleaning and disinfecting. Positive animals, consigned to slaughter through a state- or federal-approved auction market, must be maintained separate and apart from noninfected animals. Positive animals must be the last class of animal sold. Cleaning and disinfection of the alleyways, pen(s) and sale ring used to house positive animals must be accomplished prior to the next scheduled sale. Affected animals entering slaughter marketing channels must be moved directly to the slaughter facility or the slaughter market concentration point. Transportation vehicles used to haul affected animals shall be cleaned and disinfected after such use and before transporting any additional animals.

21—64.58(165A) Intrastate movement requirements.

64.58(1) Animals that are positive to an official Johne's disease test may be moved from the farm of origin for slaughter only if the animals are moved directly to a recognized slaughtering establishment and accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test and the owner-shipper statement is delivered to the consignee. Positive animals shall be identified prior to movement by application of an official electronic identification tag.

64.58(2) Animals that are positive to an official Johne's disease test may be moved within Iowa for slaughter and consigned to a state- or federal-approved slaughter market if the animals are accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test and the owner statement is delivered to the consignee. Positive animals shall be identified prior to movement by an official electronic identification tag in the right ear of the animal.

64.58(3) Animals that are positive to an official Johne's disease test may be moved within Iowa for purposes other than slaughter only by permit from the state veterinarian.

LOW PATHOGENIC AVIAN INFLUENZA (LPAI)

21—64.59(163) Supervision of the low pathogenic avian influenza program. The state veterinarian's office shall provide oversight and supervision of the LPAI program in Iowa.

21—64.60(163) Surveillance procedures. Surveillance procedures shall only apply to commercial poultry flocks of 10,000 or more layers, commercial chicken broiler operations with 10,000 or more broilers, and commercial turkey operations with 1,000 or more turkeys. Breeders that participate in, and qualify under, the USDA APHIS National Poultry Improvement Plan (NPIP) U.S. Avian Influenza Clean program and meet or exceed the surveillance provisions of this plan are exempt from further certification under this rule. For poultry flocks, surveillance procedures shall include the following.

64.60(1) *Turkeys and turkey poults.*

a. Preslaughter/movement testing. A minimum of six blood samples per flock may be collected and forwarded to an approved laboratory for LPAI testing within 21 days prior to depopulation or movement; or

b. Slaughter/disposal testing. Six blood samples per flock shall be collected at slaughter/disposal and forwarded to an approved laboratory for LPAI testing.

c. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

d. Routine serologic testing. A test for LPAI should be included.

64.60(2) *Laying chickens and pre-lay pullets.*

a. Preslaughter/disposal/movement testing. Eleven blood samples shall be collected and forwarded to an approved laboratory for LPAI testing within 30 days prior to depopulation or disposal of spent hens or movement of pre-lay pullets to another farm.

b. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

c. Routine serologic testing. A test for LPAI of 11 birds per barn during a 12-month period shall be collected and forwarded.

64.60(3) *Broiler chickens.*

a. Preslaughter testing. Eleven blood samples may be collected and forwarded to an approved laboratory for LPAI testing within 21 days prior to depopulation; or

b. Slaughter/disposal testing. Eleven blood samples shall be collected at slaughter/disposal and forwarded to an approved laboratory for LPAI testing.

c. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

d. Routine serologic testing. A test for LPAI should be included.

21—64.61(163) Official LPAI tests.

64.61(1) Official tests for LPAI are:

a. Agar gel immunodiffusion (AGID).

b. ELISA.

c. Influenza type A antigen detection tests, including PCR tests approved by the state veterinarian. All positive tests results shall be reported immediately to the state veterinarian.

d. Any other tests performed by an approved laboratory to confirm a diagnosis of LPAI.

64.61(2) Tests positive to screening for avian influenza through AGID, ELISA, and any other tests performed by an approved laboratory to confirm a diagnosis of LPAI must be forwarded to National Veterinary Services Laboratory in Ames, Iowa, for subtype testing.

21—64.62(163) Investigation of LPAI affected poultry identified through surveillance. All poultry diagnosed at an approved laboratory as infected with LPAI must be traced back to the flock or farm of origin. All flocks having contact with affected or exposed poultry as determined by the designated epidemiologist must be investigated epidemiologically. All farms of origin and flocks having contact with affected or exposed poultry must be quarantined, pending the results of the epidemiological investigation.

21—64.63(163) Duration of quarantine. Quarantines imposed in accordance with these rules shall be in effect for a minimum of three months after the last detection of active avian influenza virus on the premises. Active avian influenza virus on the premises will be determined through the use of sentinel poultry or virus isolation.

21—64.64(163) Flock plan.

64.64(1) The flock owner; the owner's veterinarian, if requested; and the department shall develop a plan for eradicating LPAI in each affected flock. The plan must be designed to reduce and then eliminate LPAI from the flock, to prevent spread of the disease to other flocks, and to prevent reintroduction of LPAI after the flock becomes disease-free. The flock plan must be developed and signed within 15 days after the determination that the flock is affected.

64.64(2) The flock plan will include but is not limited to the following areas:

a. Movement of vehicles, equipment, and people on and off the premises.

b. Cleaning and disinfection of vehicles entering and leaving the premises.

c. Proper elimination of daily mortality through composting on premises, incineration on premises, or other approved method.

d. Biosecurity procedures for people entering or leaving the facility.

e. Controlled marketing.

(1) No poultry shall be removed from the premises for a minimum of 21 days after the last detection of active avian influenza virus on the premises. Immune flocks that have recovered from avian influenza infection may remain on the premises for the remainder of their scheduled life span.

(2) After 21 days, poultry marketing will only be allowed for delivery to slaughter establishments at the close of business for the week.

(3) Trucks used to transport poultry from an infected premises must be cleaned and disinfected.

(4) Eggs that are washed, sanitized, and packed in new materials may be moved into normal marketing channels, but trucks hauling these eggs must not visit another premises between the production site and the market. Egg handling materials must be destroyed at the plant or cleaned, sanitized, and returned to the premises of origin without contacting materials going to other premises. Disposable egg flats or sanitized, plastic flats must be used to transport eggs.

(5) Eggs that are sold as "nest run" and are not washed and sanitized must be moved directly to only an off-line breaking operation without poultry for pasteurization and used for breaking only. The egg handling materials must be handled as described in subparagraph 64.64(2)*"e"*(4).

(6) Liquid eggs from layer flocks may continue to move from breaking operations directly to pasteurization plants provided that the transport vehicles are cleaned and disinfected before entering and leaving the premises.

f. Vaccination. An avian influenza vaccine will be considered for use only if allowed by the state veterinarian and USDA APHIS.

(1) A killed H5 or H7 vaccine may be used to immunize all noninfected poultry remaining on the premises. Laying-flock replacement poultry should be vaccinated at least two weeks before entering the laying operation.

(2) Slaughter withdrawal times must be followed in the marketing of poultry.

g. Housing facilities and manure. Before a new flock is placed in an infected house, manure must be removed and the housing facilities must be cleaned and disinfected. Manure shall not be removed from the premises for a minimum of 30 days after the last active detection of avian influenza virus in a house. Manure from infected housing facilities must be carried in covered conveyances. Manure handling and disposal will be at the direction of the state veterinarian.

h. Wild bird, insect, and rodent control. Wild bird, insect, and rodent control programs must be implemented and effective on the premises before a facility is repopulated with poultry.

64.64(3) The plan must address flock management and be in compliance with all provisions of these rules.

21—64.65(163) Cleaning and disinfecting. The housing facilities must be cleaned and disinfected under state supervision within 15 days after affected poultry and manure have been removed.

SCRAPIE DISEASE

21—64.66(163) Supervision of the scrapie eradication program. The scrapie eradication program is a cooperative program between the department and USDA APHIS and is supervised by full-time animal health veterinarians employed by the state or federal government.

21—64.67(163) Official scrapie test. An official scrapie test is any test used for the diagnosis of scrapie in a live or dead animal, approved by USDA APHIS for that use, and conducted at an approved laboratory.

21—64.68(163) Scrapie-positive animal. A scrapie positive animal means an animal for which a diagnosis of scrapie has been made by an approved laboratory through one of the following methods:

64.68(1) Histopathological examination of central nervous system (CNS) tissues from the animal for characteristic microscopic lesions of scrapie;

64.68(2) The use of protease-resistant protein analysis methods, including but not limited to immunohistochemistry or western blotting, on CNS or peripheral tissue samples from a live or a dead animal for which a given method has been approved by the administrator for use on that tissue;

64.68(3) Bioassay;

64.68(4) Scrapie-associated fibrils (SAF) detected by electron microscopy; or

64.68(5) Any other test method approved by the administrator in accordance with 9 CFR 54.10 dated August 21, 2001.

21—64.69(163) Infected scrapie flock. An infected scrapie flock is any flock in which the designated scrapie epidemiologist (DSE) has determined that a scrapie-positive female animal has resided, unless an epidemiological investigation conducted by the DSE shows that the animal did not give birth or abort in the flock.

21—64.70(163) Exposed scrapie flock. An exposed scrapie flock is any flock in which:

1. A scrapie-positive animal was born or gave birth; or
2. A high-risk or suspect female animal currently resides; or
3. A high-risk or suspect animal once resided that gave birth or aborted in the flock and from which tissues were not submitted for official scrapie testing.

21—64.71(163) Suspect scrapie flock. A flock is classified as suspect when:

1. A sheep or goat that exhibits any of the following possible signs of scrapie and that has been examined by an accredited veterinarian or a department or USDA APHIS representative. Possible signs of scrapie include weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high-stepping gait of forelimbs, bunny hop movement of rear legs, or swaying of back end; increased sensitivity to noise and sudden movement; tremor, star gazing, head pressing, recumbency, or other signs of neurological disease or chronic wasting;

2. A sheep or goat that has tested positive for scrapie or for the protease-resistant protein associated with scrapie on a live-animal screening test, or any other official test, unless the animal is designated as a scrapie-positive animal; or

3. A sheep or goat that has tested inconclusive or suggestive of scrapie on an official test for scrapie.

21—64.72(163) Flock of origin. The flock of origin means the flock of birth for male animals and, for female animals, means the flock in which the animal most recently resided in which it either was born, gave birth, or resided during lambing or kidding.

21—64.73(163) Records.

64.73(1) *Recordkeeping requirements for owners.* Records on every animal that requires official ID shall be maintained for five years from the time the animal leaves the sheep/goat flock or dies. For animals not born in the sheep/goat flock, records must include the flock-of-origin number or the previous owner's name and address, the date of acquisition, a description of the animal (sheep or goat, and breed or class), and the flock of birth, if known. When official ID tags are applied, it is recommended that the owner correlate official ID with production records, such as lambing dates, for all breeding animals. The owner shall maintain a record of the name and address of the market or buyer, the date, the number of animals sold, and a description of the animals (sheep or goat, and breed or class) for all animals moved from the sheep/goat flock. The owner must supply the market or buyer with the owner's flock ID number. A CVI is required for every change of ownership of animals in Iowa, other than for animals sold to slaughter. A copy of the CVI must be maintained for every animal purchased, and for every animal sold privately, other than to slaughter. For animals sold to slaughter, records must show the date of sale, the number of animals sold, and where or to whom sold.

64.73(2) Reserved.

21—64.74(163) Scrapie flock plans.

64.74(1) Infected and source sheep/goat flocks will be quarantined by the department upon the determination of their status. A written scrapie flock cleanup plan shall be signed by the owner of an infected or source sheep/goat flock, and the requirements set out in the scrapie plan shall be adhered to until its completion. The scrapie flock plan may consist of:

a. Whole flock depopulation;

b. The removal of genetically susceptible female animals, suspect animals, positive animals, and the female offspring of positive female animals; or

c. The removal of high-risk animals as defined in 9 CFR 79.4 dated August 21, 2001.

64.74(2) Indemnity may be paid for animals removed, if funds are available through USDA. All flock plans require cleaning and disinfecting procedures as part of the requirements. Upon completion of the flock plan, the quarantine may be released, with the approval of the DSE, and following an inspection of the premises by a state or federal animal health official. At that time, the owner is required to sign a PEMMP and agree to the requirements set out in that plan. Exposed flocks may also be quarantined, or have other movement restrictions placed on them, and may require a PEMMP plan that is consistent with current USDA regulations.

21—64.75(163) Noncompliant scrapie flock. A flock is noncompliant when:

1. Any source or infected flock whose owner declines to enter into a flock plan or PEMMP agreement within 60 days of the flock's being designated as a source or infected flock;

2. Any exposed flock whose owner fails to make animals available for testing within 60 days of notification, or as mutually agreed upon by the department and the owner, or whose owner fails to submit required postmortem samples;

3. Any flock whose owner or manager has misrepresented, or who employs a person who has misrepresented, the scrapie status of an animal or has misrepresented any other information on a certificate, permit, owner statement, or other official document within the last five years;

4. Any flock whose owner or manager has moved, or who employs a person who has moved, an animal in violation of this chapter within the last five years; or

5. Any flock that does not meet the requirements of a flock plan or PEMMP.

21—64.76(163) Movement restrictions for animals and flocks. A sexually intact animal shall not be moved from an infected or source flock, except under permit. Permitted animals may be moved to slaughter, to a research or diagnostic facility, or to another facility as specified in the flock plan. High-risk, suspect, and sexually intact exposed animals from other than infected or source flocks will be placed under movement restrictions. The movement restrictions on the flock and the criteria for release of these restrictions shall be specified as part of either the flock plan or the PEMMP. Animals from noncompliant flocks shall be placed under movement restrictions and shall be moved only by permit.

These rules are intended to implement Iowa Code chapter 163.

RA 26-141

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 65
"Animal and Livestock Importation"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 163.2A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 163 and 9 CFR Parts 160 through 162

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to establish clear and updated health requirements for animals imported into the State of Iowa, including for required identification, testing and certificates of veterinary inspection. The rulemaking also provides for the use of swine production health plans to allow swine to move between states. These regulations ensure that the health of Iowa's animals is maintained by only allowing healthy animals into the State of Iowa and ensuring traceability through animal identification should a disease outbreak occur.

Analysis of Impact

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

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

Anyone bringing an animal into Iowa will bear the cost of the proposed rulemaking.

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

Livestock owners, companion animal owners and the general public will benefit from the rules, which ensure that only healthy animals are allowed into the State of Iowa and ensure that there is traceability through animal identification should a disease outbreak occur.

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:**

Persons importing animals into Iowa will bear the cost of veterinary inspection of the animal, a certificate of veterinary inspection, identification and any required testing. Veterinarians will bear a minimal administrative cost.

- **Qualitative description of impact:**

This chapter provides for oversight on the animals imported into the State of Iowa, with certificates of veterinary inspection providing assurances that the animal entering Iowa is healthy and assurances, should the need arise, of traceability of those animals through required identification, protecting Iowa's animals from the introduction of disease.

3. **Costs to the State:**

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

The agency will bear the administrative costs for implementing these rules, including reviewing certificates of veterinary inspection and swine production health plans.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction would not adequately address the evolving nature of animal diseases that pose significant risks to Iowa's animals and would not provide for the most efficient means of processing animal health documents, which increases the risk of disease introduction and a delayed response that would impact Iowa's agricultural economy and cause a loss of trade. This rulemaking allows for quicker traceability of animals should a disease outbreak occur.

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

No less costly or less intrusive alternatives exist.

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

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

The Department considered lessening regulation for the import of animals into the State of Iowa.

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

Reducing the requirements for the import of animals into Iowa would increase the risk of disease introduction and allow for the spread of disease.

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 rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 65 and adopt the following **new** chapter in lieu thereof:

CHAPTER 65
ANIMAL AND LIVESTOCK IMPORTATION

21—65.1(163) Definitions.

"Accredited veterinarian" means a veterinarian licensed in the state of origin and approved by the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provision of Title 9 Code of Federal Regulations (CFR) Parts 160 through 162 dated February 25, 2020.

"Approved auction market" means a stockyard, livestock market, buying station, concentration point, or any other premises under state or federal veterinary supervision where livestock are assembled for sale or sale purposes and that has been approved by the department or USDA as provided in 9 CFR 71.20 dated January 24, 2020.

"Certificate of veterinary inspection" or *"CVI"* means the same as defined in Iowa Code section 163.2.

"Cervids" means all animals belonging to the Cervidae family.

"Chronic wasting disease" or *"CWD"* means a transmissible spongiform encephalopathy of cervids.

"Domestic fowl" means any member of the class Aves that is propagated or maintained under control of a person for commercial, exhibition, or breeding purposes or as a pet.

"Exotic birds" means birds not native to the United States, excluding poultry.

"Feral swine" means the same as defined in Iowa Code section 163.33.

"Livestock" means the same as defined in Iowa Code chapter 717.

"Official individual identification" means a nationally unique individual identification that is permanent and traceable, including but not limited to a USDA-approved identification ear tag that conforms to the alphanumeric national uniform ear tagging system (NEUS), the Animal Identification Number (AIN) ear tagging system, a flock-based number system, a location-based number system or any other numbering system approved by USDA; a registered purebred tattoo; or other identification that conforms to the USDA Animal Disease Traceability Official Identification Device Standards dated November 5, 2024. All official ear tags must be visually readable. An owner's private brand or tattoo, even if permanent and registered in the state of origin, is not acceptable official individual identification of an animal for the purpose of entry into Iowa.

"Poultry" means chickens, turkeys, domestic waterfowl, ratites, and domestic game birds, except doves and pigeons.

"Pre-entry permit" means a written or verbal authorization provided by the department prior to the importation of animals into Iowa. If required, a pre-entry permit number must be obtained and listed on the CVI accompanying the animals.

"Recognized slaughter establishment" means a slaughtering establishment operating under the provisions of either the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) dated January 3, 2012, or an equivalent state meat inspection program.

"Transitional swine" means swine that have been, or have had the potential to be, exposed to feral swine.

21—65.2(163) Pre-entry permits.

65.2(1) Requests for permits should be directed to the Animal Industry Division, Department of Agriculture and Land Stewardship, Hoover State Office Building, 1305 East Walnut Street, Des

Moines, Iowa 50319, or may be made by telephoning the division at 515.281.5547 during normal business hours.

65.2(2) All permits shall be valid for one shipment only and shall be void 15 days after the date of issuance.

65.2(3) Pre-entry permits are required for:

a. All cervids.

b. Captive wild-type or transitional swine.

c. Cattle and bison originating from states, zones or areas not classified as tuberculosis-free or brucellosis-free.

21—65.3(163) General requirements and limitations.

65.3(1) *Restricted animals.* The following animals are restricted from importation into the state:

a. No animal, as defined in Iowa Code section 717A.1, including poultry or birds of any species, cats, and dogs, that is affected with, has been recently exposed to, or has been recently treated for any infectious, contagious or communicable disease or that originates from a quarantined area, control area, infested zone or affected state shall be shipped or in any manner transported or moved into Iowa, unless approved by the state veterinarian.

(1) The state veterinarian shall have sole discretion in determining whether to approve the entry of an animal into Iowa under this rule and shall consider the specific characteristics and spread of the infectious, contagious or communicable disease.

(2) The state veterinarian may require but is not limited to requiring the following:

1. An animal to be inspected by a licensed and accredited veterinarian and issued a CVI within a prescribed period of time before the movement and found to be free from clinical signs of infectious, contagious or communicable disease,

2. An animal to be consigned directly to a recognized slaughter establishment and be slaughtered within a prescribed period of time,

3. Isolation of the animal pursuant to a quarantine for a prescribed period of time after entry,

4. Additional animal identification,

5. A pre-entry permit issued by the state veterinarian, and

6. Compliance with a treatment plan approved by the state veterinarian before the state veterinarian approves entry into Iowa.

b. Prairie dogs (*Cynomys sp.*), sun squirrels (*Heliosciurus sp.*), rope squirrels (*Funisciurus sp.*), dormice (*Graphiurus sp.*), Gambian giant pouched rats (*Cricetomys sp.*), brush-tailed porcupines (*Atherurus sp.*), and striped mice (*Hybomys sp.*) are prohibited from importation into the state.

65.3(2) *Cleaning and disinfection of transportation vehicles.* All vehicles used for hauling into the state of Iowa livestock for feeding, breeding, or stock purposes must be cleaned and disinfected before such shipments of livestock are loaded.

65.3(3) *Certificate of veterinary inspection (CVI).* Animals imported into the state must be accompanied by a CVI, unless specifically exempted by this chapter.

a. A CVI must be on an official electronic form approved by the department.

b. A copy of the approved CVI shall be forwarded immediately to the state of origin.

c. An approved CVI must be issued within 10 days of inspecting the animals and shall not be valid more than 30 days from the date of inspection of the animals.

d. The approved CVI must accompany the animals to their final destination in Iowa.

e. All information required on the CVI must be fully completed by the issuing veterinarian and must include the following:

(1) Name and address of the consignor;

(2) Name and address of the consignee;

(3) Point of origin, including:

1. Physical address.

2. Premises identification, if assigned by the chief livestock health official in the state of origin;

(4) Point of destination of the animals, including physical address;

(5) Date of inspection;

(6) Number of animals inspected;

(7) Official individual identification or group identification of all animals. Ranges of official individual identification are permitted so long as the range is consecutive and all-inclusive of animals shipped;

(8) Species, sex, age, and breed of each animal;

(9) Test results and herd, state, area or zone status on diseases specified in this chapter;

(10) Pre-entry permit number, if required; and

(11) A statement by the issuing veterinarian that the animals identified on the CVI have been inspected and are free of signs of infectious, contagious or communicable disease.

65.3(4) *Veterinary care.* An animal moved directly from its origin for veterinary medical examination or treatment and returned to the point of origin without a change in ownership does not need to be accompanied by a CVI.

21—65.4(163) Cattle and bison.

65.4(1) *General.*

a. Certificate of veterinary inspection (CVI). All cattle and bison imported into the state must be accompanied by a CVI, except the following:

(1) Cattle or bison consigned directly to an approved auction market, and

(2) Cattle or bison consigned directly to a recognized slaughter establishment.

b. Identification. All cattle and bison listed below that are imported into the state must have official electronic individual electronic identification.

(1) All sexually intact cattle and bison 18 months of age and over,

(2) All dairy cattle of any age, and

(3) Cattle and bison of any age used for rodeo, recreational events, shows or exhibitions.

65.4(2) *Requirements and limitations, general.*

a. Cattle or bison originating from herds or areas under quarantine shall not be admitted into the state unless approved by the department.

b. Cattle or bison known to be infected with Johne's disease shall not be imported except to a recognized slaughter establishment willing to accept the infected animal(s) and shall be accompanied by a CVI that identifies the animals as positive to an official Johne's disease test and lists the official individual electronic identification of said cattle or bison.

65.4(3) *Testing.*

a. Tuberculosis test. A tuberculosis test is required for importation of cattle or bison that do not originate from an accredited tuberculosis-free herd, state or zone:

(1) For cattle or bison from an accredited free herd, the accredited free herd number and date of last test must be listed on the CVI.

(2) Cattle and bison more than six months of age that originate from a herd, state, or zone that is not accredited as tuberculosis-free or as modified accredited advanced zone require a negative tuberculosis test within 60 days prior to importation.

(3) Cattle and bison less than 6 months of age that originate from a herd, state, or zone that is not accredited as tuberculosis-free or as modified accredited advanced zone must originate from a herd that has been whole-herd tested negative for tuberculosis within 12 months prior to importation. The date of last test must be listed on the CVI.

b. Brucellosis test.

(1) A brucellosis test is required for importation of cattle or bison that do not originate from a certified brucellosis-free herd, state or area.

(2) For cattle or bison originating from a certified brucellosis-free herd, the certified brucellosis-free herd number and date of last test must be listed on the CVI.

(3) Bison and cattle originating from a brucellosis designated surveillance area (DSA) as determined by the USDA must comply with all requirements of the state of origin to leave the DSA.

c. Trichomoniasis test. A bull must have a negative trichomoniasis test within 30 days prior to importation and have no subsequent sexual exposure. The trichomoniasis test is either one negative polymerase chain reaction (PCR) test or three consecutive weekly negative trichomoniasis foetus cultures. This testing requirement does not apply if the bull is:

(1) Under the age of 24 months and listed on the CVI as "virgin" or not having been sexually exposed to any female;

(2) Being sent directly to slaughter, or to an auction market and directly to slaughter; or

(3) Temporarily in the state for a rodeo or exhibition and leaves after the event, so long as the bull is not sold and has no contacts with females.

65.4(4) *Rodeo bulls.*

a. Tuberculosis test. A negative tuberculosis test is required within 12 months prior to importation. The date of test must be included on the CVI.

b. Brucellosis test. A negative brucellosis test is required within 12 months prior to importation. The date of test must be included on the CVI.

21—65.5(163,166D) Swine.

65.5(1) *General.*

a. Certificate of veterinary inspection (CVI). All swine imported into the state, except swine consigned directly to a recognized slaughter establishment or an approved auction market or swine that are moved in accordance with an approved swine production health plan (SPHP), must be accompanied by a CVI.

b. Identification. All swine imported into the state, except swine consigned directly to a recognized slaughter or an approved auction market or swine that are moved in accordance with an approved SPHP, must have official electronic individual identification.

c. Quarantined herds. Swine originating from herds or areas under quarantine shall not be admitted into the state unless approved by the department.

d. Feral swine. Feral swine are not eligible for importation into the state.

e. Transitional swine. Transitional swine must meet the requirements in subrule 65.5(4) in addition to the general requirements.

65.5(2) *Testing.*

a. Brucellosis test. All breeding swine imported into the state must:

(1) Originate from herds not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation; or

(2) Originate directly from a validated brucellosis-free herd. The date of the last test and herd validation number must be included on the CVI; or

(3) Originate directly from a validated brucellosis-free state.

b. Pseudorabies test. All breeding swine imported into the state must:

(1) Originate from a herd not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days of importation; or

(2) Originate from a qualified pseudorabies negative (QN) herd (the date of last test and herd number shall be listed on the CVI); or

(3) Originate from a pseudorabies Stage IV or Stage V state.

65.5(3) *Captive wild-type and transitional swine.* Captive wild-type and transitional swine imported into the state must:

a. Originate from herds not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation;

b. Originate from herds not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days prior to importation; and

c. Have a pre-entry permit from the state veterinarian.

21—65.6(163) Goats.

65.6(1) *General.*

a. Certificate of veterinary inspection (CVI). All goats imported into the state, except goats consigned directly to a recognized slaughter establishment or an approved auction market, must be accompanied by a CVI.

b. Identification.

(1) All goats imported must be officially identified with either ear tags or tattoos that meet the requirements specified in 9 CFR 79.2 and 79.3 dated August 21, 2001, and the Scrapie Eradication Uniform Methods and Rules dated June 1, 2005.

(2) Exemptions to requirements for individual identification of goats include:

1. Goats less than 18 months of age consigned directly to a recognized slaughter or approved auction market establishment;

2. Wethers less than 18 months of age;

3. Goats less than 18 months of age consigned directly to an Iowa approved terminal feedlot. The CVI must list the approved terminal feedlot number for the feedlot.

c. Requirements and limitations, general. Goats originating from herds or areas under quarantine shall not be admitted into the state unless approved by the department.

65.6(2) Reserved.

21—65.7(163) Sheep.

65.7(1) *General.*

a. Certificate of veterinary inspection (CVI). All sheep imported into the state, except sheep consigned directly to a recognized slaughter or an approved auction market, shall be accompanied by a CVI.

b. Identification.

(1) All sheep imported into the state must be officially individually identified with ear tags that meet the requirements specified in 9 CFR 79.2 and 79.3 dated August 21, 2001, and the Scrapie Eradication Uniform Methods and Rules dated June 1, 2005, unless otherwise exempted.

(2) Exemptions to requirements for individual identification of sheep include:

1. Sheep less than 18 months of age consigned directly to a recognized slaughter or approved auction market establishment;

2. Wethers less than 18 months of age;

3. Sheep less than 18 months of age consigned directly to an Iowa approved terminal feedlot. The CVI must list the approved terminal feedlot number for the feedlot.

c. Requirements and limitations, general. Sheep originating from flocks or areas under quarantine shall not be admitted into the state unless approved by the department.

65.7(2) Reserved.

21—65.8(163) Equine.

65.8(1) *General.*

a. Certificate of veterinary inspection (CVI). All equine imported into the state of Iowa shall be accompanied by a CVI that includes a description of the animal(s), including name, age, breed, sex, color, and distinctive markings or, in lieu of color and distinctive markings, digital photographs sufficient to identify the individual equine (pictures of front and both sides), and may include unique permanent forms of identification if available (tattoos, microchips, brands).

b. Brucellosis. Equidae that are positive to a brucellosis test or that show evidence of "poll evil" or "fistulous withers" whether draining or not shall not be allowed to enter the state for any purpose.

65.8(2) *Testing—equine infectious anemia (EIA).* All Equidae imported into the state must be accompanied by proof of a negative EIA serological test conducted within 12 months prior to

importation, except foals under 6 months of age accompanied by their dams that meet the EIA test requirements. The name of the testing laboratory, laboratory accession number, and date of test must appear on the CVI.

21—65.9(163) Cervids.

65.9(1) *General.*

a. Certificate of veterinary inspection (CVI). All cervids imported into the state shall be accompanied by a CVI.

b. Import permit. All cervids imported into this state, except cervids consigned directly to a recognized slaughter establishment, must have a pre-entry permit issued by the state veterinarian. The permit number must be listed on the CVI.

c. Identification. All cervids imported into the state must have official individual identification. Official individual identification and all forms of identification must be listed on the CVI.

d. Chronic wasting disease monitoring program participation required.

(1) Cervids shall only be allowed into Iowa from herds that are currently enrolled in and have satisfactorily completed at least five years in an official recognized CWD monitoring program. The CWD herd number, anniversary date, expiration date, and herd status for each individual animal must be listed on the CVI.

(2) Cervids entering Iowa for exhibition shall only be allowed into Iowa from herds that are currently enrolled in an official recognized CWD monitoring program. The CWD herd number and herd status must be listed on the CVI.

65.9(2) *Testing.*

a. Tuberculosis test.

(1) Cervids six months of age or older imported into this state, except cervids imported directly to a recognized slaughter establishment, must:

1. Originate from a herd not under quarantine and be tested negative for tuberculosis within 90 days of importation by the Single Cervical Tuberculin (SCT) test or Cervid Dual Path Platform (DPP) VetTB Assay. The test date must be listed on the CVI; or

2. Originate from an accredited or qualified herd. The test dates and herd number shall be listed on the CVI.

(2) Cervids less than 6 months of age imported into the state must originate from a herd that has been whole-herd tested negative for tuberculosis within the last 12 months or must originate from an accredited herd.

b. Reserved.

65.9(3) *Requirements and limitations, general.* Cervids originating from an area endemic for CWD shall not be allowed entry into Iowa. Cervids that originate from a herd within a five-mile radius of a positive CWD premises are prohibited from entry for three years.

21—65.10(163) Dogs and cats.

65.10(1) *General.*

a. Certificate of veterinary inspection (CVI). All dogs and cats imported into the state must be accompanied by a CVI indicating apparent freedom from disease or exposure to infectious or contagious disease, except dogs for exhibition and performing dogs entering for a limited period of time.

b. Dogs or cats originating from rabies-quarantined areas shall not be admitted.

65.10(2) *Rabies.*

a. Cats. All cats four months of age and older must have a current rabies vaccination with a USDA-approved rabies vaccine. The rabies vaccination must be listed on the CVI.

b. Dogs. All dogs four months of age and older must have a current rabies vaccination with a USDA-approved rabies vaccine. The rabies vaccination must be listed on the CVI.

21—65.11(163) Poultry, domestic fowl, and hatching eggs.

65.11(1) *Certificate of veterinary inspection (CVI).* All poultry, domestic fowl, and their hatching eggs imported into the state, except poultry and domestic fowl consigned directly to a recognized slaughter establishment or an approved auction market, must be accompanied by a CVI. For poultry and hatching eggs classified under provisions of the National Poultry Improvement Plan (NPIP), a VS Form 9-3, Report of Sales of Hatching Eggs, Chicks and Poults, may be substituted in lieu of CVI.

65.11(2) *Testing.*

a. Pullorum-typhoid test.

(1) An official negative test for pullorum-typhoid is required within 30 days of importation for domestic fowl or live poultry or for the flock from which hatching eggs originate unless otherwise exempted.

(2) Exemptions to the test requirements. No test is required for the following:

1. Imported domestic fowl, live poultry or hatching eggs originating from flocks classified under provisions of the NPIP, or an equivalent program as determined by the department, as pullorum-typhoid clean.

2. Exotic birds, other pet birds or birds housed at an Association of Zoos and Aquariums (AZA)-accredited zoo.

3. Poultry consigned directly to a recognized slaughter establishment.

b. Mycoplasma gallisepticum test—turkeys. Live turkeys or turkey hatching eggs for importation must originate from a flock that has been tested annually and can be classified as U.S. mycoplasma gallisepticum clean as provided by the NPIP or an equivalent program as determined by the department. Turkeys consigned directly to a recognized slaughter establishment are not affected by this subrule.

21—65.12(163) Swine production health plan (SPHP).

65.12(1) *General.*

a. SPHP. A swine production health plan is a written agreement developed for a swine production system and designed to maintain the health of the swine and detect signs of infectious, contagious or communicable disease. The plan must include all of the following:

(1) Premises identification number, address and phone number for the site owner and the animal owner for all premises that are part of the swine production system and that receive or send swine in interstate commerce.

(2) Name, address, phone number, and email address for the swine production system's licensed accredited veterinarian(s).

(3) Provisions for regular veterinary inspections of all swine maintained on the identified premises, at intervals no greater than 30 days, by the swine production system's licensed accredited veterinarian(s).

(4) Description of the recordkeeping system of the swine production system.

(5) The signature of each official of each swine production system identified in the plan, including the owner or authorized agent of the swine production system, the swine production system's licensed accredited veterinarian(s), the state veterinarian, a USDA APHIS representative, and the state animal health official from each state in which the swine production system has a premises.

(6) Acknowledgment that the managers of all the swine production system's premises listed in the plan have been notified that any failure of the participants in the swine production system to abide by the provisions of the plan and the applicable provisions of 9 CFR Part 71 dated November 5, 2024, and Part 85 dated January 14, 2019, constitutes a basis for the cancellation of the swine production health plan.

b. Interstate swine movement report. An interstate swine movement report is an electronic document detailing interstate movement of animals within a swine production health system. The interstate swine movement report must include the following information:

(1) The name, location and premises identification number of the premises from which the swine are to be moved.

(2) The name, location and premises identification number of the premises to which the swine are to be moved.

(3) The date of movement.

(4) The number, age and type of swine to be moved.

(5) A description of any individual identification or group identification associated with the swine.

(6) The name of the swine production system's licensed accredited veterinarian(s) who is inspecting the pigs.

(7) The health status of the herd from which the swine are to be moved, including any disease of regulatory concern to the state or the USDA APHIS.

(8) An accurate statement that swine on the premises from which the swine are to be moved have been inspected by the swine production system's licensed accredited veterinarian(s) within 30 days prior to the interstate movement, consistent with the dates specified by the premises' swine production health plan, and found free from signs of communicable disease.

c. Swine production system. A swine production system is an enterprise that consists of multiple sites of swine production (i.e., sow herds, nursery herds, and growing or finishing herds) that do not include a recognized slaughter facility or livestock market, that are connected by ownership or contractual relationships, and between which swine are moved while remaining under the control of a single owner or a group of contractually connected owners.

d. Swine production system's licensed accredited veterinarian. A swine production system's licensed accredited veterinarian is a licensed accredited veterinarian who is named in a swine production health plan for a premises within a swine production system and who performs inspection of such premises and animals and other duties related to the movement of swine in a swine production system.

65.12(2) *Identification of swine moving interstate within an SPHP.* Swine that are moved into the state within a swine production system to other than a recognized slaughter facility or an authorized livestock market are not required to be individually identified when moved provided that the following requirements are met:

a. The swine may be moved interstate only to another premises identified in a valid swine production health plan for that swine production system.

b. The swine production system must operate under a valid swine production health plan in which both the sending and receiving states have agreed to allow the movement.

c. The swine must have been found free from signs of any communicable disease during the most recent inspection of the premises by the swine production system's licensed accredited veterinarian(s) within 30 days prior to movement.

d. Prior to the movement of any swine, the producer(s) moving swine must deliver the required interstate swine movement report to the following individuals identified in the swine production health plan:

(1) The swine production system's licensed accredited veterinarian for the premises from which the swine are to be moved.

(2) The state animal health officials for the state of origin of the swine.

(3) The state veterinarian for the state of destination of the swine.

(4) Individuals designated by the state animal health officials.

e. The receiving premises must not commingle swine received from different premises in a manner that prevents identification of the premises that sent the swine or groups of swine. This requirement may be met by use of permanent premises or individual animal identification, by keeping groups of animals received from one premises physically separate from animals received from other premises, or by any other effective means.

f. For each premises, the swine production system must maintain for three years after their date of creation records that will allow a state animal health official to trace any animal on the premises back to its previous premises and must maintain copies of each swine production health plan signed by the producer, all interstate swine movement reports issued by the producer, and all reports the swine production system's accredited veterinarian(s) issues documenting the health status of the swine on the premises.

g. Each premises must allow state animal health officials access to the premises upon request to inspect animals and review records.

h. Every seven calendar days, each swine production system must send the state veterinarian a written summary that is based on the interstate swine movement report data and that shows how many animals were moved in the past seven calendar days, the premises from which they were moved, and the premises to which they were moved.

65.12(3) *Cancellation of SPHP.* The following procedures apply to cancellation of, or withdrawal from, a swine production health plan:

a. The state veterinarian may cancel the state's participation in a swine production health plan by giving written notice to all swine producers, USDA APHIS representatives, accredited veterinarians, and other state animal health officials listed in the plan. Withdrawal shall be effective upon the date specified by the state veterinarian in the notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice. Upon withdrawal of the state, the swine production health plan may continue to operate among the other states and parties that are signatory to the plan.

b. A swine production system may withdraw one or more of its premises from participation in the plan upon giving written notice to the state veterinarian, the USDA APHIS administrator, the accredited veterinarian(s), and all swine producers listed in the plan. Withdrawal shall be effective upon the date specified by the swine production system in the written notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice.

c. The state veterinarian shall cancel a swine production health plan after determining that swine movements within the swine production system have occurred that were not in compliance with the swine production health plan or with other requirements of this chapter. Before a swine health production plan is canceled, the state veterinarian shall inform a representative of the swine production system of the reasons for the cancellation. The swine production system may appeal the cancellation in writing in accordance with Iowa Code chapter 17A and 21—Chapter 2. This cancellation shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the state veterinarian.

21—65.13(163) Penalties. A person violating a provision of this chapter shall be subject to a civil penalty of at least $100 but not more than $1,000. In the case of a continuing violation, each day of the continuing violation is a separate violation. A person who falsifies a CVI shall be subject to a civil penalty of not more than $5,000 for each reference to an animal falsified on the certificate.

These rules are intended to implement Iowa Code chapter 163.

RA 26-142

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 66
"Identification, Movement and Buying and Selling of Livestock"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 163.2A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 163 and 172B

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this rulemaking is to provide updated identification and traceability of livestock that are moved within the State of Iowa. Traceability is necessary for a swift, effective response should a disease outbreak occur. This chapter also provides for the requirements to be licensed and operate as a livestock market dealer and as a livestock market dealer's agent.

Analysis of Impact

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

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

Livestock owners, producers, dealers, markets and veterinarians will bear the costs of the proposed rulemaking.

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

The entire livestock sector, as well as the general public, will benefit from ensuring that only healthy animals are allowed to be sold, ensuring traceability should a disease outbreak occur, and providing protections for sales of animals to livestock dealers.

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:**

Livestock dealers and markets will bear the cost of applying for a permit to operate and the cost of operating to meet the requirements set forth in these rules. Livestock owners will bear the cost of identification, testing and certificates of veterinary inspection.

- **Qualitative description of impact:**

This chapter provides for the requirements to move livestock within the State of Iowa as well as requirements when there is a change of ownership of livestock. This chapter provides oversight of livestock dealers and livestock markets.

3. **Costs to the State:**

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

The Department will bear the administrative costs for implementing these rules, including inspections to ensure compliance.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction would increase the risk of disease amongst livestock and reduce the protection of those persons who sell livestock to a dealer. Reducing traceability of livestock movement would increase the risk of disease introduction and delay disease response, impacting Iowa's agricultural economy and creating a loss of trade. This rulemaking allows for the traceability of animals should a disease outbreak occur. This rulemaking also provides for the regulation and oversight of livestock dealers.

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

No less costly or less intrusive alternatives exist.

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

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

The Department considered requiring a certificate of veterinary inspection for all change of ownership of livestock.

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

Requiring a certificate of veterinary inspection for all change of ownership of livestock would place an increased burden on livestock markets and livestock market veterinarians.

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 rulemaking does not place a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
IDENTIFICATION, MOVEMENT AND BUYING AND SELLING OF LIVESTOCK

21—66.1(163) Definitions.

"Approved livestock market" means the same as defined in 21—Chapter 65.

"Certificate of veterinary inspection" or *"CVI"* means the same as described in 21—subrule 65.3(3).

"Feeder pig" means the same as defined in Iowa Code chapters 166D and 202C.

"Livestock" means cattle, horses, sheep, goats, swine (other than feeder swine), or any other animals of the bovine, equine, ovine, caprine or porcine species. "Livestock" also includes all species of cervids raised under confinement or agricultural conditions for the production of meat, the production of other agricultural products, sport, or exhibition.

"Official individual identification" means the same as defined in 21—Chapter 65.

"Slaughter affidavit" means a signed document that verifies origin, ownership and health status of livestock moving to directly to slaughter.

"Standard transportation certificate" means the same as "transportation certificate" as defined in Iowa Code chapter 172B.

"Recognized slaughter establishment" means the same as defined in 21—Chapter 65.

INTRASTATE MOVEMENT OF ANIMALS

21—66.2(163) Identification required.

66.2(1) Identification is required for all livestock when there is a change in ownership. Livestock required to be officially identified shall have official identification applied upon, or before, departure from the current herd or flock of origin by the animal owner or the owner's agent.

66.2(2) An animal that already has identification recognized as official for Iowa does not need to have any additional official identification applied.

21—66.3(163) Restrictions on the removal of official identification. No person shall remove or tamper with any approved means of identification required to be on an animal unless the identification is removed for medical purposes and a new identification is applied to the animal as soon as possible and prior to commingling and approved by the department. A record documenting the change of official identification must be made as required in 9 CFR 86.4 dated May 9, 2024.

21—66.4(163) Cattle and bison.

66.4(1) *Identification.* All cattle and bison listed below require official identification unless otherwise provided in this rule.

a. All sexually intact cattle and bison 18 months of age and over,

b. All dairy cattle of any age, and

c. Cattle and bison of any age used for rodeo, recreational events, shows or exhibitions.

66.4(2) *Approved identification types.* The following are approved identification types:

a. Official electronic identification.

b. Breed association tattoos for registration purposes, accompanied by the breed registration certificate.

c. For all bovine animals two years of age and older received for sale or shipment to a recognized slaughtering establishment, a back tag approved by the United States Department of Agriculture (USDA) and affixed to the animal as directed by the department.

21—66.5(163) Sheep and goats.

66.5(1) *Identification required.* Sheep and goats required to be officially identified include:

a. All sexually intact sheep or goats.

b. All sheep or goats over 18 months of age.

66.5(2) *Identification not required.* Sheep and goats that do not require official identification include:

a. Sheep or goats less than 18 months of age moving into an approved terminal feedlot.

b. Any sheep or goat under 18 months of age moving directly to recognized slaughter establishment or approved auction market.

c. Wethers less than 18 months of age.

d. Goats raised and maintained apart from sheep and used exclusively for meat and fiber production.

e. Pet goats raised and maintained apart from sheep and not registered or used for exhibition.

f. Dairy goats raised and maintained apart from sheep and not registered or used for exhibition.

g. Sheep or goats moved for grazing or similar management reasons provided that the sheep are moved from a premises owned or leased by the owner of the sheep to another premises owned or leased by the owner of the sheep.

66.5(3) *Approved identification types.*

a. All sheep requiring official identification must be officially identified with either ear tags that meet the requirements specified in 9 CFR 79.2 and 79.3 dated August 21, 2001, and the Scrapie Eradication Uniform Methods and Rules dated June 1, 2005.

b. All goats requiring official identification must be officially individually identified with ear tags or tattoos that meet the requirements specified in 9 CFR 79.2 and 79.3 dated August 21, 2001, and the Scrapie Eradication Uniform Methods and Rules dated June 1, 2005, unless otherwise exempted.

66.5(4) *Flock ID.* If a sheep or goat was not identified prior to departing from its flock of birth or if its identification has been lost, then the sheep or goat must be identified upon, or before, departing from the current flock in which the animal resides and the flock of birth, or previous flock of origin, should be recorded, if known. No person shall apply a flock ID tag to a sheep or goat that has not resided in that sheep/goat flock. If a sexually intact animal that requires official identification is of uncertain origin or if the animal is identified with a blue metal "meat only" tag or a red or yellow tag denoting exposure or test status, then the animal may not be used for breeding and must be restricted until slaughter.

66.5(5) *Veterinarian's responsibilities when identifying sheep or goats.* A veterinarian may be called upon to officially identify sheep and goats and may be issued official identification for the sheep and goats in the form of the serial number ear tags for carrying out this duty. The veterinarian may apply the ID only if the flock-of-origin information is available. Sexually intact animals that require official identification and are of unknown origin shall not be used for breeding and must be restricted until slaughter. When sheep or goats are identified, the veterinarian applying the ID must record the serial tag number applied to each sheep or goat and the following information (this requirement may be accomplished by collecting a completed owner/seller statement form): the flock-of-origin ID number or name and address of the current owner, if different from the owner of the flock of origin, and the name and address of the buyer, if a change of ownership is occurring. The flock of birth should also be recorded, if known. These records must be kept for five years and made available for inspection upon request.

21—66.6(163) Swine.

66.6(1) *Identification.*

a. All swine, except swine consigned directly to a recognized slaughter or an approved auction market or swine moved in accordance with an approved swine production health plan (SPHP), must have official identification.

b. The identification shall be applied by the owner, the pig dealer, or the livestock dealer at the farm of origin or by the pig dealer or livestock dealer at the first concentration point.

66.6(2) *Approved identification types.*

a. Breeding swine.

(1) The following are approved identification types for breeding swine:

1. Tattoos approved by the department.
2. Official electronic identification.

(2) Breeding swine qualified to move intrastate without individual tests may move with unique identification of each animal if they are all identified as a group to the swine herd of origin by an official premises tattoo.

b. Feeder swine.

(1) The following are approved identification types for feeder swine:

1. Ear tags or tattoos with an alphanumeric system to provide unique identification with each swine herd, each lot, or each individual swine.
2. Official electronic identification.

(2) Electronic devices, other devices, or marks when applied will provide permanent identification with each swine herd, each lot, or each individual swine.

21—66.7(163) Cervids.

66.7(1) *Identification.* All cervids must be identified before 12 months of age and be identified with two unique animal identification numbers for each individual. One of these numbers must be a nationally unique official animal identification.

66.7(2) *Approved animal identification types.* A nationally unique official animal identification number approved by the USDA Animal and Plant Health Inspection Service (APHIS) as described in 9 CFR Part 55 dated April 29, 2014.

a. National Uniform Eartagging System tag that is either eight or nine characters.

b. Animal identification number.

c. Premises-based number that combines the official premises identification number with a unique identification number. Both numbers must appear on the tag.

d. Any other numbering system approved the USDA APHIS administrator for animals in commerce.

21—66.8(163) Movement of livestock within the state.

66.8(1) All livestock transported within Iowa, where a change of ownership is involved, must be accompanied by a standard transportation certificate or one of the following:

a. Certificate of veterinary inspection.

b. USDA APHIS Form 1-27 for quarantined livestock consigned to slaughter.

c. Slaughter affidavit.

d. Stamped bill of sale.

66.8(2) All of the foregoing documents must be properly executed by a licensed and accredited veterinarian and must indicate the following:

a. Destination of the livestock.

b. Purpose of the movement.

c. Number of animals in the movement.

d. Description of the animals in the movement.

e. Point of origin.

f. Name and address of the consignor.

66.8(3) A slaughter affidavit shall only be used only for livestock, excluding horses, moving directly to slaughter.

66.8(4) A stamped bill of sale may be used for livestock classes that do not require individual identification.

a. The stamped bill of sale must contain the following statement: "I certify as a licensed and accredited veterinarian that these animals have been inspected by me and that they are not showing any signs of infectious, contagious or communicable diseases except where noted."

b. The stamped bill of sale must be signed by the veterinarian or contain the veterinarian's stamped signature, applied and initialed by someone authorized by the veterinarian.

c. Market consignment records must be signed or initialed by the inspecting veterinarian as proof of inspection before the stamped certification can be applied to the bill of sale by an authorized person.

66.8(5) Swine being relocated intrastate without a change of ownership are exempt from health certification, identification requirements, and transportation certification, except as required by Iowa Code chapter 172B, provided relocation records are sufficient to determine the origin, the number relocated, the date relocated, and destination of the relocated swine and are available for inspection. Relocation records, if required, shall be maintained and available for inspection for a minimum of two years.

66.8(6) Cervids. All intrastate movements of cervids other than to a state or federally inspected slaughter establishment shall be accompanied by a certificate of veterinary inspection, including individual official identification. Movement of cervids, other than direct movement to slaughter, shall only be allowed from herds that have been enrolled in the Iowa chronic wasting disease (CWD) monitoring program and have successfully completed at least one year. As used in this subrule, "been enrolled" means that the herd owner has received from the department written notification of the herd's enrollment and participation in the program.

LIVESTOCK MARKET DEALER

21—66.9(163) Livestock market dealer.

66.9(1) *Supervision.* All places where livestock are assembled, either bought or sold for purposes other than immediate slaughter, whether by private sale or public auction, when not under federal supervision must be under state supervision. All livestock markets and dealers shall be under the general supervision of the Chief, Division of Animal Industry, Iowa Department of Agriculture and Land Stewardship, Des Moines, Iowa 50319.

66.9(2) *Before movement.* Before movement, the livestock shall comply with requirements as set forth below.

66.9(3) *Imported for resale.* Livestock imported for resale shall meet all health requirements governing their admission into the state as set forth in 21—Chapter 65.

66.9(4) *Livestock market dealer permit required.*

a. Any person who is engaged in the business of buying for resale, or selling, or exchanging livestock as a principal or agent or who claims to be so engaged, either interstate or intrastate, shall first obtain a permit from the department to conduct business. However, a person is not required to be licensed as a livestock market dealer if any of the following apply:

(1) The person is licensed as an agent for a packer operating under Iowa Code chapter 172A, the person only buys for the packer, and the livestock move directly to slaughter.

(2) The person is licensed as a feeder pig dealer under Iowa Code section 163.30 and does not sell livestock other than feeder pigs.

(3) The person is the owner or operator of a farm who does not claim to be so engaged and who sells or exchanges only those livestock that have been kept by the person solely for feeding or breeding purposes.

b. A separate livestock market dealer permit is required for each location.

66.9(5) *Livestock market dealer's agent permit required.* An individual working for a person holding a permit required by subrule 66.9(4) shall obtain, in lieu of a livestock dealer permit, a permit as a livestock market dealer's agent. A person shall not act as an agent for more than one dealer at the

same time. A person shall not act as an agent for a dealer and hold a livestock market dealer permit in the person's own name.

66.9(6) *Permitting period.* A livestock market dealer permit and a livestock market dealer's agent permit shall be issued for a time period commencing on July 1 and ending June 30 of the following year.

66.9(7) *Fee for permit.* The following nonrefundable fee shall accompany each application for a permit or the renewal of a permit.

a. Livestock market dealer permit—$50.

b. Livestock market dealer's agent permit—$10.

66.9(8) *Bonding requirement.* An applicant for a livestock market dealer permit shall submit a bond to the department with the secretary of agriculture named as trustee. The bond shall be payable for the use and benefit of any person damaged as a result of a violation of this chapter. The amount of the bond shall be calculated in the same manner and contain the same condition clauses as required by the United States Packers and Stockyards Administration as adopted in 9 CFR 201.30 and 201.31 dated May 1, 2000. However, a person applying for a permit is exempt from providing a bond if the person can show that the person has a valid bond on file and maintained with the United States Packers and Stockyards Administration in an amount equivalent to or greater than that required by federal regulations.

66.9(9) *Information required.* An applicant for a livestock market dealer market permit or a livestock market dealer agent permit or a renewal of a permit shall provide the department with information required on the permit application, including but not limited to the name, address, email address, and telephone number of the applicant; a listing of any state, country, or province in which the applicant is licensed or permitted to engage in a similar business; and any past or pending legal or administrative action or investigation conducted or ongoing regarding that license or permit.

66.9(10) *Permits not transferable.* Livestock market dealer and livestock market dealer agent permits are not transferable.

This rule is intended to implement Iowa Code sections 163.1, 163.11, and 163.14.

21—66.10(163) Responsibility of persons handling animals in commerce to ensure the official identification of animals. Licensed sheep dealers and auction markets and those that provide transport must ensure that animals are properly identified upon taking possession of the animals. Animals lacking official ID must either be declined or be identified by the licensed dealer or market with official ID issued to the dealer or market immediately upon the dealer's or market's taking possession and prior to commingling of the animals.

21—66.11(163) Duties and responsibilities of the livestock market management. All livestock market owners, operators, or managers shall cooperate in obtaining full compliance with all state laws and rules and with the federal regulation (9 CFR Part 78 dated September 12, 1986) and shall agree to:

66.11(1) Notify the department and USDA as to method of operation (buying, receiving, and selling of livestock).

66.11(2) Furnish a schedule of regular sale dates, including species sold and time of sale(s), and notify the department and USDA of all changes of regular sale dates not less than five days in advance.

66.11(3) Provide for chutes and divisions of yarding and pens as required to handle livestock according to their classification.

66.11(4) Furnish the name of the licensed and accredited veterinarian who will be held primarily responsible for all inspections.

66.11(5) Permit no animals to be sold at any time prior to veterinary inspection.

66.11(6) Clean and disinfect all chutes, whether portable or stationary, and all pens, alleyways, and scales after each sale and at any time when ordered to do so by the accredited veterinarian, the

department, or USDA and in accordance with the procedure determined by the accredited veterinarian, the department, or USDA.

66.11(7) In the event of sale, transfer, or change in ownership or ownership shares, or change of name, the owner must notify the department and USDA immediately.

66.11(8) Failure to comply with any of the foregoing provisions shall be deemed sufficient reason to remove a market from the state- or federal-approved list or revoke the permit to operate as a livestock dealer or both.

This rule is intended to implement Iowa Code section 163.1.

21—66.12(163) Releasing livestock. The licensed and accredited veterinarian in charge of the livestock market shall be held responsible for ensuring all animals released from the livestock market are released in compliance with Iowa laws, rules, and federal regulation Title 9—CFR dated November 5, 2024. All release forms must be signed or otherwise approved by the veterinarian or someone authorized by the veterinarian. The livestock market management shall cooperate to see that all animals are released only on approved release forms. All livestock transported within Iowa, where a change of ownership is involved, must be accompanied by documentation as provided for in rule 21—66.8(163).

This rule is intended to implement Iowa Code chapters 163, 163A, 164, and 172B and section 163.12.

21—66.13(163) Veterinary inspection. All livestock auction markets, marketing agencies, sales barns, or sales yards shall provide for veterinary inspection by a licensed and accredited veterinarian.

66.13(1) The accredited veterinarian shall:

a. Allow for sufficient time to perform the accredited veterinarian's duties.

b. Inspect all animals marketed prior to the sale.

c. Be present during the entire time the sale is in progress.

d. Prohibit the sale of any animal deemed to be diseased.

e. Have full authority to reject or detain any animal(s) at the owner's expense or any animal(s) that in the accredited veterinarian's opinion are diseased or exposed in conformance with Iowa Code chapter 163, which for any reason may be detrimental to the health of the animals within the state.

f. Notify the state animal health official of the suspicion or diagnosis of any reportable or foreign animal disease.

g. Not allow any animal to be released if there are any pending, required regulatory tests.

h. Not allow any animal to be released prior to vaccination when vaccination is required.

i. Must obtain permits for movement (either interstate or intrastate) at the owner's expense when permits are required.

j. Issue all releasing documents before allowing animals to be removed from the livestock market.

k. Deliver copies of all certificates of veterinary inspections to the division of animal industry immediately.

l. Report promptly all violations or refusals to comply with state laws, rules and federal regulations to the proper state or federal inspectors.

m. Ensure the premises is maintained in sanitary conditions at all times.

n. Supervise the cleaning and disinfection of yards following sales.

66.13(2) Failure to comply with any of the foregoing provisions shall be deemed sufficient reason to remove the licensed and accredited veterinarian's approval as the livestock market veterinarian.

This rule is intended to implement Iowa Code section 163.1.

21—66.14(163) Responsibility of persons handling animals in commerce to ensure the official identification of animals. Licensed sheep dealers, permitted livestock market dealers operating as

an approved livestock market, and those that provide transport must ensure that animals are properly identified upon taking possession of the animals. Animals lacking official ID must either be declined or be identified by the licensed dealer or market with official ID issued to the dealer or market immediately upon the dealer's or market's taking possession and prior to commingling of the animals.

21—66.15(163) Recordkeeping.

66.15(1) *Livestock market permit holders.* All livestock market permit holders are required to comply with the recordkeeping requirements below. Failure to do so shall constitute grounds for revoking their permit.

a. Maintain accurate records, including, for all livestock, records of:

(1) Origin.

(2) Identification.

(3) Destination or other disposition.

b. Such records shall be made available for inspection by an authorized state or federal inspector upon request. Such records shall be kept for a period of not less than two years.

66.15(2) *Livestock auction markets for sheep and goats.*

a. Markets must collect a completed and signed owner/seller statement form from each seller presenting sheep and goats that require official identification or must post where animals are unloaded signs that state: "sexually intact sheep or goats that are known to be scrapie-positive, suspect, high-risk, or exposed, or that originated from a known infected, source, exposed, or noncompliant sheep/goat flock may not be unloaded or sold through this market."

b. For animals identified by the market, the serial tag numbers applied to each seller's animals must be recorded.

c. Animals that require official identification but that cannot be identified to their flock of origin shall not be sold as breeding animals.

d. Records must indicate the seller or flock ID number(s) or serial tag numbers of the animals involved and will serve as documentation of the buyers of animals presented by any particular seller.

e. The market must always record, either on the owner/seller statement form or separately, the following information on all sexually intact animals that require official identification:

(1) Seller's flock ID number or seller's name and address.

(2) Name or flock ID number of the owner of the flock of origin if different from the seller.

(3) Buyer's name and address or buyer's flock ID number. All animals moving interstate must depart from the market with either a certificate of veterinary inspection or slaughter affidavit; all animals remaining in Iowa must depart from the market with a certificate of veterinary inspection, veterinary signature-stamped bill of sale, or slaughter affidavit. Certificates of Veterinary Inspection for animals moving interstate must contain the statement set forth in rule 21—64.208(163). All of these documents must be made available for inspection upon request and maintained as official records for five years.

66.15(3) *Recordkeeping requirements for licensed sheep dealers.* The dealer must either collect a completed and signed owner/seller statement form from the person from whom the dealer takes possession of the animals or must post signs as described in 64.204(2) if there is any possibility that the animals will move interstate, other than through slaughter channels. The dealer must always record, either on the owner/seller statement form or separately, the following information on all sexually intact animals that require official identification: the seller's flock ID number or seller's name and address and the name of the owner of the flock of origin, or flock-of-origin ID number, if different from the seller. For animals identified by the dealer, the serial tag number applied to each animal must be recorded. Animals that move interstate, other than to slaughter, must be inspected by a veterinarian and have a certificate of veterinary inspection that includes the required statements as set forth in rule 21—64.208(163). All animals that do not go to slaughter must be inspected by a veterinarian and have a certificate of veterinary inspection completed prior to sale unless the animals are being sold at a permitted livestock auction market where a veterinary inspection will occur. For animals that are

taken to a livestock auction market, the dealer must provide to the market for its records a list of all flock ID numbers or serial tag numbers in the group. For animals that are resorted and sold, records must identify all potential buyers of any animal acquired. Every effort should be made to maintain the identity of groups from the same flock, through separate penning or use of temporary ID, such as chalk marking, in order to simplify efforts to identify the final destination of individual animals. If animals are under 18 months of age and the dealer picks them up at the owner's premises and delivers them directly to slaughter, then the official identification requirement may be waived; however, a record of the transaction must be maintained. Records must document the buyer's name and address or buyer's flock-of-origin ID number, date of sale, and animals sold for all private sales or sales to slaughter so that animals can be traced to their final destination. All records must be kept for five years and made available for inspection upon request.

This rule is intended to implement Iowa Code section 163.1.

21—66.16(163) Swine—brucellosis.

66.16(1) All breeding swine four months of age or over moving through a livestock market or offered for sale or sold by the owner by private treaty must:

a. Originate from a validated herd, or from a validated brucellosis-free state according to Title 9—CFR as amended effective May 23, 1994, and published in the Federal Register, Vol. 59, No. 77, April 21, 1994, or

b. Be proved negative to a brucellosis test conducted within 60 days prior to sale or service and originate from a herd not under quarantine.

66.16(2) All breeding swine showing a positive reaction to a brucellosis test conducted at a livestock market shall be tagged in the left ear with a reactor tag and moved direct to slaughter on permit. The herd of origin shall be placed under quarantine for immediate test. Such quarantine to remain in effect until a complete negative herd test is conducted.

66.16(3) The negative animals from a reactor group disclosed at a livestock auction market can return to the farm of origin under strict quarantine to be tested no sooner than 30 days nor later than 60 days from the date of test.

FEEDER PIG DEALER

21—66.17(163) Feeder pig dealer bonding/letter of credit requirement and claims procedures.

66.17(1) *General requirement.*

a. In addition to the bond required in Iowa Code section 163.30, a feeder pig dealer shall maintain on file with the department evidence of financial responsibility consisting of a surety bond furnished by a surety or an irrevocable letter of credit issued by a financial institution. Bonds and irrevocable letters of credit filed with the department shall be on the forms prescribed by the animal industry division. Bonds and irrevocable letters of credit shall be written so as to provide funds to protect purchasers of feeder pigs who incur damages in Iowa as a result of sick or diseased pigs obtained from a feeder pig dealer or who otherwise suffer damages arising from a breach of contract relating to the sale of feeder pigs by the feeder pig dealer described in the bond or irrevocable letter of credit.

b. Terms of the bond or irrevocable letter of credit shall provide that if the bond or irrevocable letter of credit is canceled as to future transactions, written notice of the cancellation shall be provided to the department at least 90 days in advance of the cancellation. Such notice shall be provided to the department either by personal delivery to or certified mail. The feeder pig dealer shall provide an adequate replacement bond or irrevocable letter of credit prior to the effective date of the cancellation. The dealer's failure to submit an adequate replacement bond or irrevocable letter of credit shall result in the immediate suspension of the dealer's license to do business until such bond or irrevocable letter of credit is provided.

66.17(2) *Applicability.* A bond or irrevocable letter of credit filed pursuant to this rule shall only be subject to claims that arise after July 1, 2004, and are subsequent to feeder pig dealer licensing or relicensing with the department.

66.17(3) *Amount of bond.* The amount of financial responsibility shall be based on the annual volume of feeder pig sales in Iowa reported by the feeder pig dealer to the department or, at the option of the feeder pig dealer, the annual volume of all livestock or feeder pig sales reported to the United States Packers and Stockyards Administration. The following table shall be used to determine the level of additional financial responsibility:

TABLE FOR COMPUTING SURETY BOND
OR IRREVOCABLE LETTER OF CREDIT EQUIVALENTS

Volume Range in Dollars		Additional Financial
(not less than)	(not more than)	Responsibility Required
$ 1	$ 6,500,000	$ 5,000
$ 6,500,001	$ 7,150,000	$ 6,000
$ 7,150,001	$ 7,800,000	$ 7,000
$ 7,800,001	$ 8,450,000	$ 8,000
$ 8,450,001	$ 9,100,000	$ 9,000
$ 9,100,001	$ 9,750,000	$10,000
$ 9,750,001	$16,250,000	$11,000
$16,250,001	$22,750,000	$12,000
$22,750,001	$29,250,000	$13,000
$29,250,001	$35,750,000	$14,000
$35,750,001	$42,250,000	$15,000
$42,250,001	$48,750,000	$16,000
$48,750,001	$55,250,000	$17,000
$55,250,001	$61,750,000	$18,000
$61,750,001	$68,250,000	$19,000
$68,250,001	$74,750,000	$20,000
$74,750,001	$81,250,000	$21,000
$81,250,001	$87,750,000	$22,000
$87,750,001	$94,250,000	$23,000
$94,250,001	$100,750,000	$24,000
$100,750,001	And higher	$25,000

66.17(4) *Claims.* A person who has suffered damages in Iowa as a result of sick or diseased pigs obtained from a feeder pig dealer, or who otherwise suffers damages arising from a breach of contract relating to the sale of feeder pigs by the feeder pig dealer, may file a claim against a bond or irrevocable letter of credit provided under this rule. A claim against the bond shall be valid only for a claim incurred in the state of Iowa for which there is a final judgment from a court of competent jurisdiction.

66.17(5) *Procedure.* A person filing a claim against the bond or irrevocable letter of credit shall submit both of the following before such claim shall be considered to be completed:

a. A notarized and completed copy of the claim form.

b. An official copy of the court judgment or other order that has established the debt as a bona fide adjudicated debt, including the date that the judgment was entered.

66.17(6) *Disputes.* The department shall review any claim filed and, upon determining that a completed form and the required documents have been submitted, shall provide written notification of

the claim to both the feeder pig dealer and the issuer of the bond or irrevocable letter of credit. The feeder pig dealer and the issuer of the bond or irrevocable letter of credit shall have 20 calendar days to file a written dispute of the claim. The dispute of the claim shall be limited to the following grounds only:

a. The claim is not covered by the bond or irrevocable letter of credit.

b. The claim is not a final adjudicated judgment.

c. The claim does not relate to damages incurred in Iowa.

d. The claim is for a judgment that has already been settled or compromised.

66.17(7) *Costs of settling disputes.* If a dispute is filed on a claim, the department shall schedule an administrative hearing to determine whether the dispute is valid. The costs of the department in resolving the dispute, including the costs incurred in holding the administrative hearing, shall be paid out of the proceeds of the bond or irrevocable letter of credit prior to distribution of any proceeds, whether the dispute is upheld or denied.

66.17(8) *Catchwords.* Feeder swine purchased for resale by a pig dealer must be officially identified and accompanied by a certificate of veterinary inspection.

This rule is intended to implement Iowa Code sections 163.30 and 163.61 and chapter 202C.

21—66.18(163) Revocation or denial of permit. The department may revoke or refuse to issue or renew a livestock market dealer permit, a pig dealer license, a livestock market dealer agent permit, or a pig dealer agent permit if the department finds that the applicant, a person with an ownership interest in the applicant, or an individual employed by the applicant has done any of the following:

66.18(1) Has not filed or maintained a surety bond in the form and amount as required by Iowa Code section 163.30 or chapter 202C.

66.18(2) Has violated the provisions of Iowa Code chapter 163, 163A, 164, 165, 166, 166A, 166B, or 166D or the rules adopted pursuant to those chapters.

66.18(3) Has made false or misleading statements as to the health or physical condition or origin of livestock or feeder pigs or practiced fraud or misrepresentation in connection with the buying or receiving of livestock or feeder pigs or the selling, exchanging, soliciting or negotiating the sale of livestock or the weighing of livestock or feeder pigs.

66.18(4) Has failed to maintain and keep suitable animal health and movement records as required or to provide access to the department to the records.

66.18(5) Has had a license or permit suspended or revoked or has been otherwise barred from engaging in the buying, selling, or assembling of livestock or feeder pigs or receiving livestock or feeder pigs on consignment by either the USDA or by another state unless the department concludes after an investigation that the facts leading to the suspension or revocation demonstrate that granting the license or permit will not create a substantial risk to the Iowa livestock or feeder pig industry. This subrule shall also apply if there is a pending action to suspend or revoke a permit.

66.18(6) Has failed to comply with any lawful order of the department or a state or federal court.

This rule is intended to implement Iowa Code chapters 163 and 170.

APPROVED TERMINAL FEEDLOTS

21—66.19(163) Approved terminal feedlots. Approved terminal feedlots allow purchasers of young sexually intact feeder sheep or goats from out of state to bring those animals into Iowa without official identification provided that the animals are restricted to an inspected and approved premises and all are delivered to slaughter by 18 months of age.

66.19(1) *Requirements for approved terminal feedlots.*

a. All sexually intact sheep or goats of out-of-state origin that have arrived without official identification must be moved directly to slaughter by 18 months of age. Other sheep or goats that require official identification may be maintained on the premises provided that the requirements

described herein are met. The approved terminal feedlot premises must be designated as one of the following:

(1) Feeder-only premises. Feeder-only premises may contain only feeder sheep or goats destined to slaughter by 18 months of age.

(2) Breeding flock/slaughter-only premises. The breeding flock/slaughter-only premises allows a breeding flock to be maintained on the site. All offspring must be sent to slaughter by 18 months of age, except as noted below, and do not require official ID provided that the slaughter sheep or goats move directly to slaughter. Adult sheep or goats must be identified, and any of their offspring retained as replacement breeding stock must have official ID applied prior to weaning. Production, inventory, purchase, and sales records will be inspected on all breeding animals.

(3) Separate operation premises. The separate operation premises allows sheep or goats other than the nonidentified feeder sheep or goats to be kept on site, and sold other than to slaughter, but these animals must be separated from the feeder animals by a distance of 30 feet or by a solid wall that prevents contact or the passage of fluids. Offspring must be identified prior to weaning. Records must account for the arrival and dispersal of each individual sheep or goats in the separate flock, and there shall be no identification exemption on these sheep or goats.

b. All three types of approved terminal feedlot premises require that all nonidentified feeder sheep or goats be moved directly to slaughter, or another approved terminal feedlot, prior to 18 months of age. These sheep or goats may only be sold through a licensed market or licensed dealer if the owner identifies sexually intact sheep or goats with official blue metal "meat only" tags and the animals are sold to slaughter.

66.19(2) *Identification at approved terminal feedlots.* Out-of-state origin sexually intact feeder sheep or goats moved to an approved terminal feedlot will be exempted from identification requirements provided that the feedlot maintains compliance with all rules and regulations governing approved terminal feedlots.

66.19(3) *Registration of approved terminal feedlots.* All approved terminal feedlots must obtain a permit issued by the department. Approved terminal feedlots will be subject to periodic records and premises inspections. The department shall assign an approved terminal feedlot number for each approved terminal feedlot facility.

66.19(4) *Records for approved terminal feedlots.* All approved terminal feedlots must maintain appropriate records for a period of five years. Records will include Certificates of Veterinary Inspection for all sheep and goats of out-of-state origin received by the facility and slaughter records sufficient to conduct inventory reconciliation. If a breeding flock or any other sheep or goats that require official identification are maintained on the same premises, then records shall also include an inventory of sheep and goats, lambing and kidding records, bills of sale, slaughter receipts, and any Certificates of Veterinary Inspection sufficient to account for the acquisition and dispersal of all animals. Failure to maintain appropriate records shall be grounds for revocation of the feedlot permit. All sheep and goats without official identification must be moved directly to slaughter, and movement to slaughter must be completed before any of the sheep and goats reach the age of 18 months. If blue metal "meat only" tags are applied, then records on tags applied must be maintained for origin of the group(s) (state, market, or individual), date of tagging, and destination (date sold and buyer).

These rules are intended to implement Iowa Code chapter 163.

RA 26-143

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 67
"Animal Welfare"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 162.10, 162.12, 162.13, 162.16 and 162.20

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 162

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this rulemaking is to maintain clear and comprehensive animal care and husbandry standards for commercial establishments operating within the State of Iowa and make updates where necessary. Chapter 67 governs the licensing, registration, and operation of commercial breeders, kennels, animal shelters, pounds, rescues, dealer facilities, and research facilities. By prescribing objective baselines for housing, cleaning, socialization, exercise, adequate space, environmental controls, and mandatory adoption programs for retired research animals, this rulemaking provides protective measures for the humane treatment of dogs, cats, and companion animals while protecting public safety and consumers.

Analysis of Impact

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

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

Commercial establishments licensed under this chapter will bear the cost of this proposed rulemaking.

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

Those operating licensed commercial establishments, as well as the general public, will benefit from the 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:**

People operating licensed commercial establishments will bear the cost of maintaining their facilities to meet the standards provided for in these rules.

- **Qualitative description of impact:**

This chapter provides clear guidance on the care that licensed commercial establishments must provide, including veterinary care, cleaning and sanitation, housing, and grooming, and provides an objective standard for compliance.

3. **Costs to the State:**

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

The agency will bear the administrative costs for implementing these rules and inspection of facilities to ensure the standards provided for in these rules are met.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction would not provide adequate protective measures for the humane treatment of dogs, cats, and companion animals, increasing the risk of substandard care to animals within the care of commercial establishments.

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

No less costly or less intrusive alternatives exist.

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

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

The Department considered alternative values for several of the objective standards contained within the rules.

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

Because the Department oversees both State licensees and federal permittees, the Department determined that maintaining alignment with the Animal Welfare Act provided the most consistent approach to regulating animal welfare in most circumstances.

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 rulemaking does not place a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67
ANIMAL WELFARE

21—67.1(162) Definitions.

"Acclimated" means the animal is accustomed to a climate or environment and has the ability to maintain its body temperature.

"Adequate grooming" means the provision of care necessary to maintain an animal's coat, skin, nails, ears, and overall hygiene in a condition that prevents pain, injury, disease or impairment of normal movement or bodily functions.

"Adequate space" means the animals contained within the primary enclosure all must have the ability to comfortably turn about, stand erect, sit or lie with limbs fully extended.

"Animal mistreatment" means the same as defined in Iowa Code chapter 717B.

"Breeding male or female" means any sexually intact adult dog or cat over 12 months of age.

"Cleaning" means the mechanical removal of organic matter and waste through the application of soap, detergent or other cleaning agent followed by the rinsing of all surfaces with clean water.

"Commingle" means to combine animals from different owners in a common area or enclosure.

"Common area" means any area where dogs are commingled for exercise or social interaction.

"Direct and immediate visual supervision" means a person providing visual supervision is located on the premises and within the line of sight of the animal and is available to provide immediate attention to the animals within the group.

"Distemper" means canine distemper virus or feline panleukopenia virus.

"Dog day care" means a facility licensed as a commercial kennel or a boarding kennel and designed and operated with the intention that a dog admitted to the facility is allowed, in compliance with this chapter, to commingle and interact with other dogs in one or more playgroups operating in the facility.

"Facility" means all buildings, yards, pens and other areas, or any portion thereof, at a single location in which any animal is kept, handled, or transported for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, rescuing or otherwise transferring.

"Foster care home" means a private residence that is authorized to provide temporary shelter and care for dogs or cats that has been accepted by a foster oversight organization.

"Foster oversight organization" means a registered animal shelter or pound or licensed dealer which has been authorized by the department to utilize foster care homes in its operation.

"Group housing" means more than two animals housed together within the same primary enclosure.

"Guardian home" means a person or residence, other than a boarding kennel or commercial kennel, that pursuant to an agreement provides the primary housing and care of a breeding male or female for another person who is engaged in the business of breeding dogs or cats, and that provides that the person who is engaged in the business of breeding dogs or cats retains a portion of breeding rights of the breeding male or female in the guardian home or retains interest in the offspring of the breeding male or female.

"Identification" means breed, color, markings, sex, and age of the dog or cat. If applicable, identification can also include a microchip number, rabies tag number, tattoo, or other similar form of identification.

"In-home facility" means an individual required to be licensed as a boarding kennel, commercial breeder, commercial kennel, or dealer who maintains or harbors animals within the individual's residence.

"Isolation" means the separation, for the period of communicability, of infected animals from other animals in such a place and under such conditions to prevent the direct or indirect transmission of the infectious agent from those infected to those that are susceptible or that may spread the agent to others.

"Isolation facility" means the location where animals infected with disease may be placed to contain, control and limit the spread of disease.

"Kennel" means a facility, location, or area where dogs or cats are brought together or commingled for the purpose of but not limited to boarding, grooming, or training.

"Licensee" means any person or facility authorized to operate pursuant to Iowa Code chapter 162.

"Parvo" means canine parvovirus or feline panleukopenia virus.

"Potable water" means liquid water suitable for drinking.

"Rescue" means a person or group of persons, licensed as a dealer, who holds itself out as an animal rescue, or who accepts, purchases, exchanges or solicits for dogs or cats with the intention of finding permanent adoptive homes or providing lifelong care for such dogs and cats or who uses foster homes as a primary means of housing dogs or cats.

"Rescue manager" means any person designated by a rescue to carry out the responsibilities of the rescue.

"Residence" means any area or space where a person lives or resides.

"Sanitize" means to disinfect inanimate objects to eliminate as many or all pathogenic microorganisms, except bacterial spores.

"Seizure and impoundment," as used in this chapter, means either of the following:

1. The confinement of the animals to the property of the owner or custodian of the animals with provisions being made for the care of the animals pending review and final disposition.
2. The physical removal of the animals to another facility for care pending review and final disposition.

"Transfer" means to adopt, sell, give away, trade, barter, exchange, return or convey ownership of an animal.

"Veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in the state of Iowa.

21—67.2(162) Animals included in rules. "Dog," as that term is used in the rules, includes hybrid dog mixtures. "Animals," as that term is used in rules relating to boarding kennels, commercial kennels, commercial breeders, dealers, public auctions, and animal shelters, means dogs and cats. "Animals," as that term is used in rules relating to pounds and pet shops, means dogs, cats, rabbits, rodents, nonhuman primates, birds, or other vertebrate animals, excluding fish.

21—67.3(162) Housing facilities and primary enclosures.

67.3(1) *Housing facilities.*

a. Buildings shall be of adequate structure and maintained in good repair so as to ensure protection of animals from injury.

b. Shelter shall be provided to allow access to shade from direct sunlight and regress from exposure to wind, rain or snow. Heat, insulation, or clean and dry bedding adequate to provide comfort shall be provided when the atmospheric temperature is below 50°F or the temperature to which the particular animals are acclimated. Indoor housing facilities shall be provided for dogs and cats under the age of eight weeks and for dogs and cats within two weeks of whelping. Dogs and cats that are not acclimated to the temperatures prevalent in the area or region where they are kept and sick, aged, young or infirm dogs and cats cannot be housed in outdoor facilities.

c. Temperature and humidity.

(1) Housing facilities for dogs and cats must be capable of controlling the temperature and humidity in the housing facility and sufficiently heated and cooled when necessary to protect dogs and cats from temperature or humidity extremes and to provide for their well-being.

(2) When dogs and cats are present, the ambient temperature in the housing facility cannot fall below 50°F for dogs and cats not acclimated to lower temperatures, for breeds that cannot tolerate lower temperatures without stress or discomfort, and for sick, aged, young or infirm dogs and cats except as approved by the attending veterinarian. Heat, insulation, clean and dry bedding or other methods of conserving body heat that are adequate to provide comfort shall be provided when the atmospheric temperature is below 50°F. The ambient temperature must not fall below 45°F or rise above 85°F for more than four consecutive hours when dogs or cats are present.

(3) Relative humidity must be maintained at a level that ensures the health and well-being of the animals housed in the housing facility, including:

1. Maintaining humidity levels between 30 percent and 70 percent; and
2. Rapidly eliminating odors from within the building.

d. Ventilation. Housing facilities shall at all times be provided with ventilation by means of doors, windows, vents, air conditioning or direct flow of fresh air that is adequate to provide for the good health and comfort of the animals. Such ventilation shall be environmentally provided so as to maintain adequate temperature and humidity and minimize drafts, moisture condensation, odors or stagnant vapors of excreta. Auxiliary ventilation, such as fans, blowers or air conditioning, must be provided when the ambient temperature is above 85°F.

e. Adequate lighting shall be provided by natural or artificial means, or both, during sunrise to sunset hours to allow efficient cleaning of the facilities, routine inspection of the facilities and animals contained therein and well-being of the animals.

f. Ceilings, walls and floors shall be constructed so as to lend themselves to efficient cleaning and sanitizing. Such surfaces shall be kept in good repair and maintained so that they are substantially impervious to moisture. Floors and walls to a height of four feet shall have finished surfaces. No sharp or jagged edges may be present that may injure an animal. Animal contact surfaces must be free of excessive rust that prevents required cleaning and sanitizing or that affects the structural strength of the surface or that may be detrimental to the health of the animal.

g. Food supplies and bedding materials shall be stored so as to adequately protect them from contamination or infestation by vermin or other factors which would render the food or bedding unclean. Separate storage facilities shall be used to store cleaning and sanitizing equipment and supplies.

h. Washrooms, basins or sinks for maintaining cleanliness among animal caretakers and the sanitizing of food and water supplies shall be provided within or be readily accessible to each housing facility.

i. Equipment shall be available for removal and disposal of all waste materials from housing facilities to minimize vermin infestation, odors and disease hazards. Drainage systems shall be functional to effect the above purposes.

j. Group housing is permitted for animals that are compatible with one another, except as otherwise stated herein. Adequate space shall be provided to prevent crowding and to allow freedom of movement and comfort to animals of the size which are housed in the facility. Females in estrus shall not be housed with males except for breeding purposes.

k. Facilities shall be provided to isolate diseased animals and to prevent exposure to healthy animals.

l. Outdoor dog areas shall be of sound construction and kept in good repair so as to safely contain the animal(s) therein without injury. Floors shall be concrete, gravel or materials that can be regularly cleaned and kept free of waste accumulation. Grass areas are permissible provided that adequate ground cover is maintained, holes are kept filled and the ground cover is not allowed to become overgrown. Ground cover composed of wood is permissible but must be removed daily. Artificial turf is permissible so long as it is regularly cleaned, it is kept free of waste accumulation, odor is controlled and the drainage system underneath is maintained. Dog areas utilizing wire floors are permissible provided that the wire floors are structurally sound and adequately maintained. Wire flooring cannot cause injury or discomfort to any animal contained in an outdoor area and must:

(1) Have a solid resting surface(s) of adequate size for the animal(s) to lie on their side; solid resting surface(s) must be of adequate size to contain all animals.

(2) Be in good repair, free of excessive rust that prevents required cleaning and sanitizing or that affects the structural strength of the surface or that may be detrimental to the health of the animal;

(3) Be free of jagged or sharp edges, and constructed so as to lend itself to efficient cleaning and sanitizing; and

(4) Be of a gauge and construction to prevent bending and sagging and to prevent physical harm to an animal or entrapment of the toes or feet of an animal housed within the primary enclosure.

m. Housing facilities and areas used for storage of food or bedding must be free of trash, garbage, waste, weeds, debris and other materials potentially harmful to animals.

n. Animal areas must be kept clean, neat, and free of clutter.

o. The department may limit the number of animals allowed in any housing facility based on but not limited to the number of available primary enclosures, the animal care space available within a facility, or lack of available personnel to care for the animals.

67.3(2) *Primary enclosures.*

a. Primary enclosures shall be of sound construction and maintained in good repair to protect the animals from injury. No sharp points, protruding wires or jagged edges may be present that may cause injury to an animal. Animal contact surfaces must be free of excessive rust that prevents required cleaning and sanitizing or that affects the structural strength of the surface or that may be detrimental to the health of the animal. Animal contact surfaces must also be free of jagged edges, sharp points and anything that may cause injury to an animal.

b. Construction materials and maintenance shall allow the animals to be kept clean and dry. Walls and floors shall be impervious to urine and other moisture and lend themselves to efficient cleaning and sanitizing.

c. A primary enclosure shall provide for adequate space appropriate for the age, size, weight, breed, and temperament of the animal.

d. The shape and size of the enclosure shall afford adequate space for the individual animal(s) within the enclosure. Adequate space includes, but is not limited to, allowing the animal the ability to comfortably reposition, turn about, stand erect, sit or lie while limbs are fully extended.

e. A nursing bitch or queen must be provided additional space. The amount of additional space required should be based on the breed and behavioral characteristics of the animal.

f. The department may limit the number of animals housed in a primary enclosure based on but not limited to the amount of available and usable floor space, personnel available to care for the animals and the compatibility of the animals within the enclosure.

g. Group housing.

(1) Group housing for animal shelters, pounds, commercial breeders, pet shops, dealers, public auctions or research facilities is permitted for animals that are compatible with one another, except as otherwise stated herein. Adequate space shall be provided to prevent crowding and to allow freedom of movement and comfort to animals of the size which are housed within the primary enclosure. No more than 12 adult dogs or cats may be housed in the same primary enclosure. Dogs and cats shall not be housed in the same primary enclosure. Group housing shall not adversely affect the health of the animal(s).

(2) Group housing in boarding kennels and commercial kennels is permitted only if the animals are owned by the same person and are compatible or by operating as a dog day care as required in rule 21—67.8(162).

h. Elevated resting surfaces are required for all cats housed in groups of four or more. Elevated resting surfaces must be collectively large enough and of sufficient quantity to simultaneously hold all occupants of a primary enclosure and must be impervious to moisture, easily cleaned and sanitized, easily replaced, and of sufficient elevation for the cats enclosed in the primary enclosure to comfortably lie under the elevated surfaces.

i. Litter boxes containing clean litter shall be provided at all times for kittens and cats. Adequate litter boxes must be provided for the number of cats within a primary enclosure. Primary enclosures must have adequate space for a litter box so that litter does not contaminate food and water. Litter boxes must:

(1) Be cleaned at minimum once daily or more often as necessary to prevent the accumulation of animal waste and odor;

(2) Contain adequate litter and be of adequate size; and

(3) Be cleaned and sanitized in a separate sink from food and water containers. If a separate sink is not available, then the sink must be cleaned and sanitized after the litter boxes are washed and before anything else is washed in the sink.

j. Animal waste, including used cat litter, must be removed from primary enclosures at minimum once daily or more frequently to prevent the accumulation of waste, to prevent contamination of the animals contained within the primary enclosure, and to eliminate odors and must be discarded in accordance with state, county and local ordinances.

k. Means shall be provided to maintain the temperature, humidity and ventilation as described in subrule 67.3(1) that are comfortable for the species within the primary enclosure. Lighting shall be adequate to allow observation of the animals, but the animals shall be protected from excessive illumination.

l. Animals shall be removed from their primary enclosures at least twice in each 24-hour period and exercised unless the primary enclosure is of sufficient size to provide for sufficient exercise. The amount of exercise should be appropriate for the age, breed, and health condition of the animal. Impounded animals, animals deemed too dangerous to be removed from the primary enclosure, and animals undergoing rabies quarantine may be exempt from removal from their primary enclosure but must be housed in a primary enclosure large enough to allow for exercise within the primary enclosure. Animals under the medical supervision of a veterinarian may be exempt in writing from exercise if exemption is deemed medically appropriate by the attending veterinarian.

m. Doghouses with tethered restraints cannot be used as primary enclosures for dogs or for the purpose of exercise.

n. Primary enclosures containing wire flooring cannot cause injury or discomfort to any animal contained in the primary enclosure, and the wire flooring must:

(1) Have a solid resting surface(s) of adequate size for the animal(s) to lie on their side; Solid resting surface(s) must be of adequate size to contain all animals within the primary enclosure.

(2) Be in good repair, free of excessive rust that prevents required cleaning and sanitizing or that affects the structural strength of the surface or that may be detrimental to the health of the animal;

(3) Be free of jagged or sharp edges, and constructed so as to lend itself to efficient cleaning and sanitizing; and

(4) Be of a gauge and construction to prevent bending and sagging and to prevent physical harm to an animal or entrapment of the toes or feet of an animal housed within the primary enclosure.

o. When primary enclosures are stacked, all stacked enclosures must be secured so that the upper primary enclosure(s) cannot fall in a manner which may cause injury or harm to any animal. A means to prevent urine, feces, and other debris from passing into or being discharged into the underlying primary enclosure(s) is required.

p. All enclosures must be impermeable to water and easily cleaned and sanitized.

q. Bedding within primary enclosures must be easily cleaned and sanitized or disposable. Bedding must be removed or cleaned and sanitized every 24 hours or more frequently as necessary to maintain cleanliness.

r. Primary enclosures shall utilize latches that cannot be inadvertently opened or shall be equipped with some form of locking device so as to prevent the accidental release of the animal contained in the primary enclosure.

21—67.4(162) General care and husbandry standards.

67.4(1) *Feeding and watering.*

a. All species covered under Iowa Code chapter 162 shall be provided with adequate feed and adequate water as defined in Iowa Code chapter 162.

b. Young animals and animals under veterinary care shall be fed and given water at more frequent intervals and with specific diets as their needs dictate.

c. Water must be provided as often as necessary for the health and comfort of the animal. The frequency of providing water should be appropriate to the species, age, condition, and size of the animal as well as the environmental conditions.

d. Water for dogs and cats must be made available at minimum two times daily for at least one hour each time.

e. The containers for food and water must be:

(1) Readily accessible;

(2) Located to minimize contamination with excreta;

(3) Made of durable material that can easily be cleaned and sanitized or be disposable;

(4) Appropriate for the species, size, age and breed of animal; and

(5) Replaced after a single use if the receptacles are disposable.

67.4(2) *Cleaning and sanitation.*

a. Housing facilities and primary enclosures shall be cleaned a minimum of once in each 24-hour period and more frequently as may be necessary to reduce disease hazards and odors. Dirt, hair, excreta (including but not limited to urine and feces), food waste, and other debris shall be removed from a primary enclosure daily or at a frequency to prevent their accumulation and the contamination of the animals contained within the primary enclosure. Pressure water systems or live steam may be used for cleaning if animals are removed while the cleaning takes place.

b. Housing facilities and primary enclosures shall be sanitized at intervals not to exceed two weeks or sanitized more frequently as may be necessary to reduce disease hazards. Sanitizing shall be done by washing the surfaces with hot water (at least 180°F (82.2°C)) and soap or detergent, followed by the application of a safe and effective disinfectant. Runs and exercise areas having gravel or other nonpermanent surface materials shall be sanitized by periodic removal of soiled materials, application of suitable disinfectants, and replacement of the soiled materials with clean surface materials. Dirt, hair, excreta, food waste, and other debris shall be removed before sanitizing begins. Manufacturer labels shall be followed for dilution and contact time for all soaps, detergents, disinfectants, or other chemicals used for sanitization.

c. An effective program shall be established and maintained for the control of vermin infestation.

d. Before a primary enclosure, food or water container or bedding is used for another animal, the primary enclosure, food or water container or bedding shall be cleaned and sanitized.

67.4(3) *Veterinary care.*

a. Programs of disease prevention and control shall be established in writing and maintained for all commercial establishments. Programs shall be approved by a veterinarian annually at time of veterinary agreement/inspection.

(1) Commercial establishments, excluding commercial kennels and boarding kennels, shall include:

1. Vaccination schedules, intestinal parasite control (fecals, deworming, etc.), heartworm and ectoparasite prevention, and dental schedules,
2. Cleaning and sanitation protocols,
3. Isolation and emergency procedures, and
4. Grooming practices.

(2) Commercial kennels and boarding kennels shall include:

1. Vaccination requirements,
2. Cleaning and sanitation protocols, and

3. Isolation and emergency procedures.

b. Sick, diseased or injured animals shall be provided with prompt veterinary care or disposed of by euthanasia. Euthanasia must be performed in a manner deemed acceptable by and published in the American Veterinary Medical Association Guidelines for Euthanasia of Animals: 2020 Edition.

c. All species regulated under Iowa Code chapter 162 that are infected with infectious, contagious or communicable diseases shall be immediately placed into isolation facilities as provided for in this paragraph to prevent exposure to healthy animals. Isolation facilities must be an area separate from the remainder of the animals in a facility with the ability to contain disease and to reduce the risk of disease spread. Animals in isolation must be cared for separately from the remainder of the animals in a facility. All equipment and supplies used for animals in an isolation facility must be cleaned and disinfected prior to removal from the isolation facility or discarded in a manner that prevents disease spread.

d. Vaccination.

(1) Rabies vaccination.

1. Dogs and cats 16 weeks of age and older within all commercial establishments must be vaccinated for rabies.

2. Rabies titers shall not be accepted by a commercial establishment in lieu of a rabies vaccination.

3. There are no exemptions for rabies vaccination.

4. Dogs and cats under 16 weeks of age not vaccinated for rabies must not be commingled, except with their dam and littermates.

5. Animal shelters, rescues and pounds must vaccinate dogs and cats older than 16 weeks of age in their care for rabies within 14 days of a dog or cat entering the care of the licensee.

(2) Distemper and parvo virus vaccination.

1. Commercial establishments, excluding animal shelters, rescues and pounds. All dogs and cats taken into the care of a dealer (excluding rescue) or transported into housing facilities regulated under Iowa Code chapter 162, excluding animal shelters, rescues and pounds, shall have been vaccinated against distemper and parvo before entering the housing facility or being taken into the care of a dealer (excluding rescue). Dogs and cats may be exempted from distemper or parvo vaccination, or both, by direct written recommendation of the owner's veterinarian stating vaccination would endanger the animal's life; however, dogs and cats that have been exempted may not be commingled.

2. Animal shelters, rescues and pounds must vaccinate dogs and cats in their care for distemper and parvo within 14 days of a dog or cat entering the animal shelter, rescue or pound.

3. All commercial establishments must keep dogs and cats current on vaccinations for rabies, distemper and parvo while in their care.

(3) Vaccine titers shall not be accepted as a form of vaccine verification.

(4) Vaccine verification for admittance of a dog or cat into a commercial establishment, excluding animal shelters and pounds, must be from a veterinarian. Vaccine records and written vaccine exemptions shall be kept on file (paper or electronic).

e. Dogs and cats brought into the state of Iowa must meet importation requirements under rule 21—Chapter 65.

f. Commercial establishments, excluding commercial kennels and boarding kennels, shall enter into a written agreement with a veterinarian licensed by the state of Iowa to provide veterinary care for the animals maintained in the facility. The agreement shall include a requirement that the veterinarian visit the facility at least once every 12 months for the purpose of viewing all the animals in the facility, making a general determination concerning the health/disease status of the animals, and reviewing the facility's program for disease prevention and control. Rescues without facilities and pounds are exempt from the veterinarian visiting the facility. If during the course of the visit the veterinarian identifies an animal that requires a more detailed individual examination to determine the specific condition of the animal or to determine an appropriate course of treatment, then such examination shall be undertaken.

g. Commercial kennels and boarding kennels must have an annual written agreement with a veterinarian licensed by the state of Iowa to provide veterinary care for an animal in their care should veterinary care be required.

h. If during an inspection of a facility the department finds an animal that appears to have a physical condition or disease that, in the opinion of the inspector, requires a veterinarian's attention, the department may order that the licensee subject the animal to a veterinarian's examination at the licensee's expense. The department may require the licensee to submit written proof of the veterinarian's examination and results of the examination within a time frame set by the department.

67.4(4) *Personnel.*

a. The owner or personnel shall be present at least once in each 24-hour period to supervise and ascertain that the care of animals and maintenance of facilities conform to all of the provisions of Iowa Code chapter 162.

b. A sufficient number of qualified personnel shall be utilized to provide the required care of animals and maintenance of facilities.

67.4(5) *Grooming.* Adequate grooming must be performed as often as necessary to prevent matting, excessive dirt or debris accumulation, overgrown nails, and conditions that may adversely affect the animal's health or welfare.

21—67.5(162) Transportation.

67.5(1) *Primary enclosures for transportation.* Primary enclosures are required within transportation vehicles.

a. Primary enclosures utilized in transportation shall:

(1) Be of sound construction, maintained in good repair to ensure protection of animals from injury, and readily cleaned and sanitized;

(2) Be free of sharp points, jagged edges or protrusions that could injure the animal; and

(3) Securely contain the animal so that the animal cannot injure itself, its handler or any persons or animals nearby.

b. Floors and lower sides shall be constructed or covered on the inner surfaces so as to contain excreta and bedding materials.

c. Adequate space shall be provided so that the animal(s) contained in the primary enclosure may comfortably turn about, stand erect, sit and lie.

d. Openings shall be provided in primary enclosures so that adequate ventilation can be maintained when the primary enclosures are positioned in the transporting vehicle.

e. Primary enclosures shall be cleaned and sanitized before each trip and between animals.

f. The temperature within primary enclosures shall not be allowed to exceed the atmospheric temperature. During transportation, the ambient temperature inside the primary enclosure cannot exceed 85°F for a period of more than four hours, nor may the temperature fall below 45°F for a period of more than four hours. Auxiliary ventilation, such as fans, blowers or air conditioning, must be used in the animal space when the ambient temperature in the space reaches 85°F.

67.5(2) *Vehicles.*

a. Protection shall be afforded to primary enclosures transported in the vehicle, sheltering the animals from drafts and extremes of hot or cold temperatures to which they are not acclimated.

b. Primary enclosures used in transportation shall be securely positioned in the vehicle to protect the animals from injury.

67.5(3) *Care in transit.*

a. Animals in transit shall be provided adequate feed and adequate water as defined in rule 21—67.1(162).

b. Incompatible animals shall not be placed together during shipment. Females in estrus shall not be placed in the same primary enclosure with a male.

c. Animals shall be inspected at least once in each four-hour period and the primary enclosures cleaned if necessary and the emergency needs of the animals attended to immediately.

d. Animals shall be removed for exercise and their enclosures cleaned if the animals have been en route for a 12-hour period.

21—67.6(162) Purchase, sale, trade and adoption.

67.6(1) Records shall be made and retained for a period of 12 months for any change of ownership of a dog, cat or nonhuman primate, including but not limited to any intake, sale, exchange, transfer, trade, or adoption from any commercial establishment. Records shall be similarly kept on other small vertebrate animals sold or transferred, except that individual identifications shall not be required. Records shall include the following:

a. Date of change of ownership;

b. Identification of animal;

c. Names, mailing addresses, telephone numbers, and email addresses, if available, of seller and purchaser or transferor and recipient;

d. State of Iowa animal welfare license number of the seller or transferor;

e. Source of the animal;

f. Date animal entered the care of and left the care of the commercial establishment;

g. Method and date of euthanasia, if applicable;

h. Transfer of animal within or between commercial establishments;

i. List of prophylactic immunization(s) given, including date(s) administered (if applicable);

j. List of internal parasite medication(s) given and date(s) administered (if applicable); and

k. Description of other medical care provided to the animal, including type of medical care received and date(s) of medical care.

l. For commercial breeders, a written record of dogs and cats in their possession, including identification, date of acquisition and date of departure.

67.6(2) All commercial establishments shall furnish a statement of sale, exchange, transfer, trade, or adoption to each purchaser or recipient of a dog, cat, nonhuman primate, bird, or other vertebrate animal. This statement shall include the following:

a. Names, mailing addresses, telephone numbers, and email addresses, if available, of the seller or transferor and the purchaser or recipient;

b. State of Iowa animal welfare license number of the seller or transferor;

c. Date of sale, transfer, trade, adoption, exchange or any other change of ownership;

d. Description or identification of vertebrate sold;

e. List of prophylactic immunization(s) given, including date(s) administered (if applicable);

f. List of internal parasite medication(s) given and date(s) administered (if applicable); and

g. Description of other medical care provided to the animal, including type of medical care received and date(s) of medical care.

67.6(3) All vertebrate animals regulated under Iowa Code chapter 162 which are known to be exposed to or show symptoms of having infectious, contagious or communicable diseases or which show symptoms of parasitism or malnutrition sufficient to adversely affect the health of the animals are restricted from sale or transfer. The secretary of agriculture may order quarantine on premises or housing facilities in which any of the conditions listed in this subrule exist. Quarantine shall be removed when at the discretion of the secretary or the secretary's designee, the disease conditions for which quarantined are no longer evident and the apparent health of the animals indicates absence of contagion.

67.6(4) Facilities must develop, document, and follow a contingency plan to maintain the required standards of care of their animals in the event of an emergency or disaster.

21—67.7(162) Boarding kennels, commercial kennels, animal shelters, pounds, dealers, guardian homes.

67.7(1) *Boarding kennels and commercial kennels.*

a. Records shall be made and retained for a period of 12 months for each animal boarded, groomed or trained. Records shall include the following:

(1) Owner's name, address, telephone number and email address;

(2) Identification of animal;

(3) Duration of animal's stay;

(4) Service(s) provided;

(5) Any illnesses which have occurred and veterinary treatment the animal received; and

(6) Written documentation of the animal's vaccinations or vaccination exemptions from a veterinarian.

b. Grooming and training utensils and equipment shall be cleaned and sanitized between use on animals owned by different persons.

67.7(2) *Animal shelters and pounds.*

a. Animal shelters and pounds shall develop and implement a plan providing for the surgical sterilization of all dogs and cats released, unless exempted from this provision in accordance with Iowa Code section 162.20(5).

b. Sterilization agreements shall contain the following:

(1) The name, address, email address and signature of the person receiving custody of the dog or cat.

(2) A complete description of the animal, including any identification.

(3) The signature of the representative of the pound or animal shelter.

(4) The date that the agreement is executed and the date by which sterilization must be completed.

(5) A statement which states the following:

1. Sterilization of the animal is required pursuant to Iowa Code section 162.20.

2. Ownership of the dog or cat is conditioned upon the satisfaction of the terms of the agreement.

3. Failure to satisfy the terms of the agreement constitutes a breach of contract, requiring the return of the dog or cat.

4. A person failing to satisfy the sterilization provisions of the agreement is guilty of a simple misdemeanor.

d. In addition to maintaining the records required by subrule 67.6(1), animal shelters and pounds shall maintain, for a period of 12 months, the following records:

(1) Euthanasia records, including date of entry, source of animal, and date of euthanasia.

(2) Sterilization agreements, including confirmation of sterilization in the form of a receipt furnished by the office of the attending veterinarian.

(3) Disposition records of all animals lawfully claimed by owners, research facilities, or Class B federal dealers.

e. A pound or animal shelter may apply in writing for a sterilization enforcement waiver pursuant to Iowa Code section 162.20(5)*"b"* if the pound or animal shelter is subject to an ordinance by a city or county that includes stricter requirements than provided in Iowa Code section 162.20. The application shall include the name, license number, mailing address, email and telephone number of the pound or animal shelter; the specific requirement of Iowa Code section 162.20 for which the application seeks a waiver; a copy of any prior waivers and a certified copy of the ordinance providing the basis for the waiver application. A waiver application fee of $10 shall accompany the application. The waiver will be effective for one year.

f. A pound or animal shelter shall be subject to civil penalties as provided in Iowa Code section 162.20(3)*"c"* for not procuring and maintaining required records documenting compliance with the sterilization agreement, successfully seeking return of the animal from a noncompliant custodian, failing to effect a sterilization agreement when required for an animal which is released, or seeking legal recourse as provided in Iowa Code section 162.20(4). The pound or animal shelter shall be entitled to appeal pursuant to Iowa Code chapter 17A.

67.7(3) *Dealers.*

a. A dealer license is required to operate as a dealer in Iowa. This requirement applies to residents and nonresidents of Iowa, including dealers with foster homes in Iowa.

b. Dogs and cats brought into the state of Iowa must meet the importation requirements stated in rule 21—65.10(163).

c. A dealer with housing facilities must meet the requirements provided for housing facilities and primary enclosures in rule 21—67.3(162) and in-home facilities in rule 21—67.9(162).

d. A dealer must maintain records and statement of sales as provided for in rule 21—67.6(162).

e. A dealer approved by the department to act as a fostering oversight organization must meet the requirements for fostering oversight organizations and foster care homes provided in rule 21—67.11(162). A dealer may not utilize or oversee a foster home without prior written authorization of the department.

67.7(4) *Guardian homes.*

a. A person utilizing guardian homes engaging in the business of selling or exchanging dogs or cats, or both, where the guardian home does not own the breeding dogs or cats as a principal or agent, will only operate pursuant to a state license or a permit issued or renewed by the department as provided in Iowa Code section 162.7.

b. A person utilizing guardian homes engaging in the business of selling or exchanging dogs or cats, or both, where the guardian home does own the breeding dogs or cats, will only operate pursuant to a state license or a permit issued or renewed by the department as provided in Iowa Code section 162.8 unless the guardian home owns or harbors three or fewer breeding males or females.

c. In determining whether a person who is engaged in the business of breeding dogs or cats is a commercial breeder based upon the number of dogs or cats the person owns or harbors, dogs or cats in a guardian home shall be included in the count if the person who is engaged in the business of breeding retains any portion of ownership of the dog or cat in the guardian home.

21—67.8(162) Dog day cares.

67.8(1) *Purpose.* The purpose of a dog day care is to allow dogs participating in the day care to become socialized through interaction in playgroups with other compatible dogs.

67.8(2) *Subclassification of license.* Dog day cares can operate as a subclassification of a commercial kennel license or boarding kennel license by complying with rule 21—67.8(162).

67.8(3) *Approval based on number of dogs.* The department will approve a dog day care for a maximum number of dogs based on but not limited to available space, available staff, and staff's ability to supervise dogs.

67.8(4) *Facility requirements.* A facility licensed to be a dog day care shall meet the housing facility and primary enclosure requirements provided for in rule 21—67.3(162). The dog day care shall also comply with the following facility requirements:

a. Group interaction is permitted for dogs, including dogs owned by different owners, that are compatible with one another. A facility licensed as a dog day care shall comply with all requirements in this rule during all hours of operation.

b. The play area for dogs shall provide for a minimum of 50 square feet per dog. Play areas must have a sign placed at the entry of the play area stating the maximum number of dogs allowed in the play area at any one time.

c. Each dog attending dog day care must have a primary enclosure. When not under direct supervision, dogs at a dog day care must be housed within a primary enclosure at all times. Group housing within a primary enclosure is permitted for dogs from the same household that are compatible with one another.

67.8(5) *Sanitation requirements.* A facility licensed to be a dog day care shall comply with the cleaning and sanitation standards provided for in rule 21—67.4(162) and the following requirements:

a. All areas to which a dog has access shall be cleaned and sanitized a minimum of once in each 24-hour period and more frequently as may be necessary to reduce disease hazards and odors.

b. Used primary enclosures, food and water containers and bedding must be cleaned and sanitized before they can be used for another animal.

67.8(6) *Operations.* A facility licensed to be a dog day care shall comply with the following operational standards:

a. A dog, including a dog owned by the dog day care owner or a dog day care employee, shall be admitted into a dog day care only after the day care has:

(1) Subjected the dog to a pre-entry screening process that adequately evaluates the temperament of the dog, the dog's ability to interact with other dogs in a positive manner, and the dog's ability to interact with humans in a positive manner. The screening shall include, but not be limited to, obtaining a social history of the dog from the dog's owner. A written record of the testing shall be maintained by the facility for the time the dog is enrolled in the dog day care. The day care shall not admit any dog into the day care if the dog has a predisposition to be possessive of either the facility or a person owning or working in the facility. The day care shall not admit any dog that is known to have a predisposition of aggression toward other dogs or people.

(2) Obtained from the dog's owner written documentation of the medical history of the dog, including the dog's current vaccination status against distemper, parvo and rabies. Vaccinations are required as outlined in rule 21—67.4(162).

(3) Obtained written documentation that the dog has been spayed or neutered if the dog is over six months of age.

(4) Obtained a written acknowledgment from the dog's owner that the owner understands the inherent risk of injury or disease when dogs owned by different people are allowed to commingle. This written acknowledgment shall be separately signed or initialed by the dog's owner.

b. The dog day care shall separate dogs in the dog day care into playgroups comprised of compatible dogs. Dogs of incompatible personalities or temperaments shall be maintained separately.

c. The dog day care shall make advance arrangements in writing with a veterinarian to provide emergency veterinary care for dogs at the dog day care. This agreement must be updated annually.

d. A sick, diseased or injured dog shall be immediately removed from the playgroup and isolated. If circumstances indicate that immediate veterinary care is required, the dog shall be taken to a veterinarian or a veterinarian shall be called to examine the dog. The veterinarian can be either a veterinarian whose services have been contracted for by the dog day care or the veterinarian designated by the dog's owner, if a timely examination by that veterinarian is feasible.

e. The feeding of a dog and giving of snacks to a dog shall only be provided when the dog receiving the food or snack is contained within a primary enclosure. Treats for the purpose of training or managing a group of dogs are permissible.

f. A dog day care shall not establish a playgroup composed of more than 30 dogs.

g. A dog day care shall employ sufficient staffing so that there is a minimum of one person assigned to each playgroup with 15 or fewer dogs and two people assigned to each playgroup with 16 to 30 dogs. The person(s) supervising a playgroup must provide constant direct and immediate visual supervision at all times.

h. At all times, a dog day care must ensure that dogs are safe within the dog day care group.

i. Rest time within a primary enclosure must be provided for a minimum of two hours per day for dogs in day care for more than four hours per day. Rest time must be documented. Direct supervision is not required while dogs are housed within primary enclosures. Rest time does not have to be consecutive hours and can be broken up into smaller increments.

21—67.9(162) In-home facilities.

67.9(1) *Maximum number of animals.* An in-home facility may not maintain or harbor more than six adult animals, including both breeding dogs or cats and surgically sterilized dogs or cats, in the individual's residence.

67.9(2) *Standards.* Notwithstanding subrules 67.4(1) and 67.4(2), an in-home facility shall comply with the following standards:

a. Food supplies and bedding shall be stored so as to adequately protect them from contamination or infestation by vermin or other factors which would render the food or bedding unclean. Separate storage facilities shall be used to store cleaning and sanitizing equipment and supplies.

b. Adequate lighting shall be provided by natural or artificial means, or both, during sunrise to sunset hours. Animals shall be protected from excessive illumination.

c. The building shall be of adequate structure and maintained in good repair so as to ensure protection of animals from injury.

d. Facilities shall be available to isolate diseased animals to prevent exposure to healthy animals.

e. Outdoor areas shall meet standards provided for in subrule 67.3(l).

f. Group housing is permitted as provided for in paragraph 67.3(2)*"g."*

g. Every animal in an in-home facility must have a designated primary enclosure.

h. Litter boxes containing clean litter shall be provided at all times for kittens and cats. Litter boxes must be maintained as provided for in paragraph 67.3(2)*"i."*

i. Means shall be provided to maintain the temperature, humidity and ventilation as described in subrule 67.3(1).

j. Exercise shall be provided as described in subrule 67.3(2).

k. Housing facilities shall be cleaned as set out in subrule 67.4(2) to reduce disease hazards, and an effective program shall be established and maintained for the control of vermin infestation. All surfaces within the in-home facility must be readily cleaned and maintained in good repair.

21—67.10(162) Rescues.

67.10(1) *Rescue manager.* A rescue must designate a rescue manager to carry out the responsibilities of the rescue. The responsibilities of a rescue manager include but are not limited to the following:

a. Establishing criteria for approving foster homes;

b. Approving foster homes;

c. Supervising dogs and cats taken into the care of the rescue;

d. Monitoring and ensuring all foster homes under the rescue's oversight are providing proper care and compliance with relevant laws and rules; and

e. Maintaining rescue records. Such records shall include but are not limited to the following:

(1) Source of the dog or cat;

(2) Date of placement of the dog or cat into a foster home;

(3) Adoption records;

(4) Disposition of dog or cat (if applicable);

(5) Medical care received by the dog or cat; and

(6) Vaccination and deworming records.

67.10(2) *Records.* Rescue records must be made available to the department upon request. A rescue must maintain records and statement of the sale, exchange, transfer, trade or adoption as provided for in rule 21—67.6(162).

67.10(3) *Vaccine requirements.* All dogs and cats taken in by or in the possession of a rescue shall be vaccinated as provided in rule 21—67.4(163). Rescues must provide vaccine records or written exemptions to the department upon request.

67.10(4) *Importation requirements.* Dogs and cats brought into the state of Iowa must meet the importation requirements stated in rule 21—65.10(163).

67.10(5) *Housing facilities and primary enclosures.* A rescue with housing facilities must meet the requirements for housing facilities and primary enclosures in rule 21—67.3(162). Rescues operating as in-home facilities must meet the requirements in rule 21—67.9(162).

67.10(6) *Foster care homes.* A rescue approved by the department to act as a foster oversight organization must meet the requirements for foster oversight organizations and foster care homes

provided in rule 21—67.11(162). A dealer may not utilize or oversee a foster care home without prior written authorization of the department.

67.10(7) *General care and husbandry.* A rescue must meet the general care and husbandry standards provided for in rule 21—67.4(162).

67.10(8) *Transportation.* A rescue transporting animals must meet the requirements provided in rule 21—67.5(162).

21—67.11(162) Foster oversight organizations and foster care homes.

67.11(1) A registered animal shelter, registered pound or licensed dealer shall not operate a foster care home or operate an organization that utilizes a foster care home unless the shelter, pound or dealer is in compliance with this rule and other applicable provisions of this chapter and Iowa Code chapter 162. If an out-of-state organization is utilizing foster care homes in Iowa, that organization must also be licensed or registered in the state of Iowa as an animal shelter, pound or dealer.

67.11(2) A registered animal shelter, registered pound or licensed dealer may apply to the department for a permit authorizing the shelter, pound or dealer to utilize one or more foster care homes in carrying out its mission of providing for the care and maintenance of an animal that has been taken in or entrusted to the animal shelter, pound or dealer. For purposes of this rule, an animal shelter, pound or dealer that has been granted such authorization shall be considered a foster oversight organization. Failure to obtain a permit as a foster oversight organization constitutes a violation of this chapter.

67.11(3) A registered animal shelter, registered pound or licensed dealer seeking to obtain a permit to be a foster oversight organization shall make application to the department on a form prescribed by the department. The application shall be submitted to the department at the same time that the registered animal shelter, registered pound or licensed dealer submits its certificate of registration renewal or license renewal application. The permit application shall provide sufficient information to allow the department to determine the ability of the proposed foster oversight organization to provide adequate screening and oversight of any foster care home operating under the authority of the foster oversight organization.

a. Such application shall include, but not be limited to, the following information:

(1) The proposed foster oversight organization's plan for providing oversight of the foster care home. The plan shall include the frequency of inspections of the foster care home by the foster oversight organization and the criteria to be used by the foster oversight organization in reviewing the foster care home during periodic inspections. The plan shall also include the actions to be taken by the foster oversight organization in the event that the foster oversight organization determines that the foster care home is not adequately providing for the animals in the foster care home. Foster oversight organizations shall inspect foster care homes annually, at minimum, and an annual written inspection report must be on file with the foster oversight organization. Annual inspection reports shall be retained for a minimum of two years.

(2) The name, mailing address, email address and telephone number of the staff person connected with the proposed foster oversight organization who will have primary responsibility for administering the proposed foster care program.

(3) The name, mailing address, email address and telephone number of a secondary staff person connected with the proposed foster oversight organization who will have responsibility for administering the proposed foster care program in the absence of the primary administrator.

(4) The number of foster care homes the foster oversight organization is applying for and currently oversees. During the first year of application, the foster oversight organization will be limited to a maximum of 20 foster care homes. Upon renewal of the foster oversight organization permit, the foster oversight organization may apply for more than 20 foster care homes, subject to the approval of the department.

(5) Copies of all forms utilized by the foster oversight organization. This includes but is not limited to inspection forms and applications.

(6) The number of paid employees, both full-time and part-time, working for the foster oversight organization, the number of volunteers serving the foster oversight organization, and the number of volunteer hours utilized per week.

(7) The criteria used to determine if a foster care home is capable of caring for an animal.

(8) The actions taken by the foster oversight organization if the foster care home is unable to care for an animal.

b. If the foster oversight organization changes locations, a new application must be submitted.

c. If the primary or secondary contact listed on the application is no longer associated with the foster oversight organization, the department must be notified and provided with the name, mailing address, email address and telephone number of the staff person administering the foster care program.

d. The foster oversight organization must provide documentation to demonstrate that the foster oversight organization has sufficient infrastructure to adequately supervise all foster care homes and the care of the animals within the foster care homes.

67.11(4) The initial approval of a foster oversight organization shall be in effect only until the next expiration date of the registered animal shelter's, registered pound's, or licensed dealer's license. Thereafter, a foster oversight organization permit renewal shall be concurrent with the facility's certificate of registration or license renewal unless circumstances otherwise require.

Foster oversight agreements must be renewed yearly at the same time that the registered animal shelter, registered pound, or licensed dealer submits its license renewal application and fee. The renewal agreement must contain the number of foster care homes for which the animal shelter or pound is requesting approval.

67.11(5) A foster oversight organization shall require that all persons seeking to operate a foster care home under the foster oversight organization submit a written application to the foster oversight organization specifying the proposed foster care home's qualifications, including but not limited to the ability of the foster care home to provide adequate care, exercise, feed, water, shelter, space, and veterinary care.

67.11(6) A foster oversight organization shall not be authorized to approve more than 20 foster care homes during the first year of operation. In granting a permit to a foster oversight organization, the department may further restrict the number of foster care homes a particular foster oversight organization may utilize if the department determines that the foster oversight organization does not have adequate personnel to supervise the number of foster care homes for which authorization was sought or the adequate ability to care for all animals in foster care. The department may authorize the foster oversight organization to approve more than 20 foster care homes only if the department finds that the foster oversight organization has and maintains adequate personnel assigned to provide sufficient oversight of foster care homes.

67.11(7) A foster oversight organization shall not authorize a foster care home to have in its care more than six dogs and cats, including dogs and cats owned by the foster care home, with the exception of a litter of puppies or kittens under 16 weeks of age. A litter of puppies or kittens under 16 weeks of age is considered the equivalent of one dog or cat. The mother of the litter of puppies or kittens is considered one dog or cat. No more than two litters of puppies or kittens under 16 weeks of age may be in a foster home at any given point in time.

67.11(8) A person who has been found to have engaged in or participated in an act constituting animal abandonment, neglect, cruelty, or abuse shall not be authorized to operate a foster care home. In addition, if a person has had a license or permit issued under Iowa Code chapter 162 or under the United States Department of Agriculture's animal care program revoked or has surrendered that person's license in lieu of revocation, then that person shall not be authorized to operate a foster care home.

67.11(9) A foster oversight organization shall not place a sexually intact dog or cat in a foster care home where there is a sexually intact dog or cat of the opposite sex of the same species unless the foster oversight organization determines that the fostered dog or cat is too young to breed. If the foster oversight organization determines that a sexually intact dog or cat may be placed in a foster

care home with another sexually intact dog or cat of the opposite sex of the same species because the fostered dog or cat is too young to breed, then the foster oversight organization shall monitor the physical development of the fostered dog or cat to either remove the dog or cat before it is capable of breeding or to neuter or spay the fostered dog or cat.

67.11(10) The foster oversight organization shall retain a copy of all the following documents for a period of 24 months and shall make such documents available for inspection by the department during regular business hours:

a. Applications to operate a foster care home, including any written approvals, conditional approvals, or denials.

b. Inspections or other reports relating to the operation of a foster care home. Inspection forms must be kept on file for each foster home. Inspections of a foster care home must be conducted by the foster oversight organization at minimum yearly.

c. Any written complaints or notes written by staff of the foster oversight organization relating to an oral complaint against a foster care home.

d. Any documents relating to the investigation or other resolution of a complaint regarding a foster care home.

e. Any documents relating to the revocation or suspension of a foster care home's authorization.

f. A current list of animals in foster care homes.

67.11(11) The foster oversight organization shall maintain detailed records as to which animals have been placed in a foster care home, when each animal was placed in a foster care home, and the ultimate disposition of each animal.

67.11(12) All adoptions and euthanasia of animals placed in a foster care home shall be the responsibility of the foster oversight organization and shall not be performed by the foster care home unless an emergency euthanasia must be performed by a licensed veterinarian to prevent the needless suffering of the animal.

67.11(13) All deaths, injuries, or emergency euthanasia occurring within a foster care home shall be reported to the foster oversight organization within 24 hours of the event.

67.11(14) It is the primary responsibility of the foster oversight organization to provide for oversight and regulation of its foster care homes; however, the department may choose to inspect a foster care home if the department determines that it would be in the best interests of the animals being maintained in the foster care home to conduct the inspection or if the department deems an inspection desirable to determine whether a foster oversight organization is properly fulfilling its role of screening and oversight of foster care homes. If the department determines that either serious or chronic problems exist in a foster care home, the department may order the foster oversight organization to suspend or rescind the authorization of the foster care home. The foster oversight organization shall immediately obtain physical examinations of all animals previously placed in the foster care home.

67.11(15) If the department determines that a foster oversight organization is not providing adequate screening or oversight of its foster care homes, the department may suspend or rescind the foster oversight organization's authorization to use foster care homes.

67.11(16) If the department suspends or revokes the license of an animal shelter, pound or dealer that is also a foster oversight organization, then the authorization to operate of the foster oversight organization and that of the foster care homes operating under the foster oversight organization shall immediately cease.

21—67.12(162) Public health.

67.12(1) Animal wardens aiding in the enforcement of the provisions of Iowa Code chapter 162 shall enlist veterinary aid in programming control measures to protect the public from zoonotic diseases which may be suspected to be on the premises of a licensee or registrant.

67.12(2) Animals, housing facilities, or premises may be placed under quarantine by order of the secretary of agriculture when it is deemed necessary to protect the public from zoonotic diseases or to contain the spread of infectious, contagious or communicable disease.

21—67.13(162) Access, seizure and impoundment.

67.13(1) *Access to facilities and records.* The premises, housing facilities and records required by Iowa Code chapter 162 and this chapter shall be open for inspection by authorized personnel of the department during the department's normal business hours. Failure to be available for inspection or refusing to allow inspection constitutes a violation of this chapter.

67.13(2) *Seizure and impoundment.*

a. Failure of any pound, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder, public auction or dealer to adequately house, feed, water or care for the animals in the person's or facility's possession or custody may subject the animals to seizure and impoundment. Seizure and impoundment shall be at the discretion of the secretary of agriculture. Standards to guide discretion shall include, but not be limited to, the following:

(1) An assessment of the condition of the animals, including but not limited to direct visual examination. Such assessment may include procedures and testing necessary to accurately determine disease, nutritional, and health status.

(2) An assessment as to the likelihood that the condition of the animals will deteriorate if action is not taken.

(3) An assessment as to the degree of failure to provide for the animals. Primary consideration will be based on the general health of the animals and the adequacy with which the animals are being provided with food, water, shelter, sanitary conditions, grooming, or veterinary care.

(4) An assessment as to the history, if any, of the facility's compliance, noncompliance, and willingness to take corrective action. Such an assessment will be based on past inspection reports completed by regulatory personnel from the appropriate licensing agency.

(5) Court determination, if any, as to the existence of cruelty, abuse or neglect under Iowa Code chapter 717B.

(6) The willingness of the facility to allow frequent monitoring and the ability of the department or local law enforcement officers to provide this service.

(7) A determination as to whether adequate impoundment facilities or resources exist and are available for use by the department for the seizure and impoundment of animals.

b. In proceeding under this subrule, the department may either:

(1) Petition the court in the county where the facility is located for an ex parte court order authorizing seizure and impoundment, either separately or as part of an action commenced pursuant to Iowa Code chapter 717B. The petition shall request an expedited hearing within seven days of the order for seizure and impoundment. The expedited hearing shall determine final disposition of the animals seized and impounded.

(2) Issue an administrative order authorizing seizure and impoundment. The order shall state the finding of facts on which issuance of the order was based. The order shall be personally served upon the owner or manager of the facility. If the owner or manager cannot be found after a reasonable effort to locate, the notice shall be posted conspicuously at the facility. The notice shall state the time and place of an administrative hearing to determine the appropriateness of the seizure and impoundment; and if such seizure and impoundment is upheld, then the hearing shall determine final disposition of the animals seized and impounded.

The administrative hearing shall be held within three days of the seizure unless a continuance is agreed upon by the department and the owner. A decision at the administrative hearing will not be stayed by the department for more than 48 hours pending appeal without a court order. However, the department may delay the disposition if the department determines the delay is desirable for the orderly disposition of the animals. Unless otherwise provided in this subrule, the department will follow adopted departmental rules on the conduct of the administrative hearing.

c. The release of animals for final disposition to the department will allow for the sale, adoption or euthanasia of the animals. Determination of the most appropriate option for final disposition of a specific animal shall reside with the department and be based on but not limited to the animal's physical health, the presence of any condition which would necessitate treatment of significant duration or expense, and the appropriateness of the animal as a pet. All due consideration shall be given to the sale or adoption of an animal as the preferable option of disposition.

d. Any moneys generated from the sale or adoption of animals shall be used to provide compensation for the cost of care of the animals while impounded or the cost of disposition. Any residual moneys shall be directed to the owner. If the moneys generated from the sale and adoption of the animals are insufficient to meet the costs incurred in caring for the animals, the difference may be recovered in an action against the owner of the animals.

e. The department may arrange for impoundment services, including final disposition, with any licensed facility able to adequately provide for the care and disposition of the animals. Animals for which an order is issued authorizing seizure and impoundment shall be individually identified and records maintained relating to their care and final disposition. The department, or its representatives, shall be allowed access during normal business hours to the records and impounded animals.

f. In lieu of seizure and impoundment, the secretary of agriculture may authorize a one-time dispersal of animals, including by sale, as a remedial option. The owner may petition the department in writing for full or partial dispersal. The petition shall address the terms and conditions for dispersal which are being requested. The department may require additional terms and conditions. The terms and conditions governing dispersal will be contingent upon department approval. Such approval shall be in writing.

g. Conditions of this subrule and subrule 67.13(1) and Iowa Code sections 162.13 and 162.14 shall likewise apply to all eligible licensees and registrants, whether or not they have been properly licensed by Iowa Code chapter 162.

21—67.14(162) Loss of license or denial of license.

67.14(1) If the license of a licensee is revoked or is relinquished by the licensee while a revocation action is pending, the licensee shall not be eligible to reapply for a new license for at least five years from the date of the revocation or relinquishment. If a licensee has been found in court to have committed an act of animal mistreatment, the licensee shall not be eligible for a new license for at least five years if the act is a misdemeanor or at least eight years if the act is a felony from the date of the revocation or relinquishment. If an applicant has been found in court to have committed an act of animal mistreatment, the applicant shall not be eligible for a license for at least five years if the act is a misdemeanor or at least eight years if the act is a felony from the date of the conviction or guilty plea. The prohibition against relicensure or licensure in this subrule shall include any partnership, firm, corporation, or other legal entity in which the person has a substantial interest, financial or otherwise, and any person who has been or is an officer, agent or employee of the licensee during the period of time in which the violation upon which the revocation or conviction was based occurred. The department may waive the three-year bar to relicensure arising from a revocation or relinquishment of a license where a revocation action was pending. Such waiver shall be made on a case-by-case basis. Such waiver shall only be given if the department finds that the conditions which resulted in the revocation or revocation action have been addressed and there is little likelihood that they will be replicated.

67.14(2) If the license of a licensee is revoked or if the license is voluntarily relinquished by the licensee, the licensee shall file with the department a written plan detailing the numbers and types of animals in its facilities and how these animals are going to be legally disposed of to ensure that the animals are being humanely handled and to ensure that the remaining animals are being maintained properly. The licensee shall submit this plan to the department no later than ten calendar days from the date of revocation or relinquishment of the license.

21—67.15(162) Applicability to commercial establishments with federal licenses. In addition to obtaining the permit from the department, any person who operates a commercial establishment under a current and valid federal license shall provide care ensuring adequate feed, water, and housing facilities and appropriate sanitary control, grooming practices and veterinary care. The department has the authority to inspect the premises and the required records.

21—67.16(162) Acceptable forms of euthanasia. The euthanasia of all animals kept in facilities regulated under Iowa Code chapter 162 and these rules shall be performed in a manner deemed acceptable by and published in the American Veterinary Medical Association Guidelines for Euthanasia of Animals: 2020 Edition.

21—67.17(162) Research facilities.

67.17(1) *Definitions.* For purposes of this rule, the following definitions are used:

"Animal rescue organization" means a person other than an animal shelter operating on a nonprofit basis to place unwanted, abandoned, abused, or stray dogs or cats in permanent adopted homes.

"Qualified research facility" means the following:

1. A research facility, including but not limited to a regents institution, that conducts experiments on dogs or cats for research, education, testing, or another scientific purpose, and that receives moneys from the state or federal government.

2. A research facility that conducts experiments on dogs or cats for research, education, testing, or another scientific purpose, in collaboration with a research facility described in paragraph "1."

"Retired animal" means a dog or cat confined at a qualified research facility if the dog or cat has been previously used for research, education, testing, or another scientific purpose, and the dog or cat is no longer required to be confined by the qualified research facility for any of those purposes.

67.17(2) *Adoption program required.*

a. A qualified research facility shall enter into a written agreement with an animal shelter or animal rescue organization to facilitate the placement of retired animals. The qualified research facility shall include signed copies of each agreement annually upon renewal of authorization.

b. A retired animal must have no substantial medical condition, and pose no safety risk to the public, that would prevent the dog's or cat's successful integration into a permanent adoptive home.

c. A qualified research facility may offer to transfer ownership and custody of the retired animal to a person for private placement in the person's permanent adoptive home according to an arrangement agreed to by the qualified research facility and the person. The qualified research facility shall keep a record of the transfer, including contact information of the individual taking possession of the retired animal, and shall retain the record for a period of at least 12 months.

67.17(3) *Records required.* Records must be made available to the department upon request. A qualified research facility must maintain records and statement of the sale, exchange, transfer, trade or adoption as provided for in rule 21—67.6(162). Records shall be made and retained for a period of 12 months.

These rules are intended to implement Iowa Code chapter 162.

RA 26-144

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 77
"Dangerous Wild Animals"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 717F.2
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 717F

Public Hearing

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

July 29, 2026 10 to 11 a.m.	Borlaug Conference Room (H516) Hoover State Office Building Des Moines, Iowa

Public Comment

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

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this rulemaking is to maintain standards for the continued possession and ownership of dangerous wild animals in the State of Iowa on and after July 1, 2007. The proposed chapter provides more concise and clear guidelines for liability insurance, housing, and escape notification to protect the public.

Analysis of Impact

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

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

Persons who own dangerous wild animals will bear the cost of the proposed rulemaking.

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

Persons who own dangerous wild animals and the general public will benefit from 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:**

Persons who own dangerous wild animals will bear the registration cost and cost of liability insurance.

- **Qualitative description of impact:**

This chapter provides for oversight of ownership of dangerous wild animals within the State of Iowa, as well as provisions to ensure public safety.

3. **Costs to the State:**

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

The Department will bear the administrative costs for the registration of dangerous wild animals.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction would increase the risk of danger to the public from dangerous wild animals.

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

No less costly or less intrusive alternatives exist.

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

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

The Department did not seriously consider any alternative methods for providing oversight of dangerous wild animals in the State of Iowa.

- **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 rulemaking does not place a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 77 and adopt the following **new** chapter in lieu thereof:

CHAPTER 77
DANGEROUS WILD ANIMALS

21—77.1(717F) Continued ownership.

77.1(1) *Insurance.* The contents of the insurance policy must provide for notification to the department if the policy is canceled or reduced.

77.1(2) *Records.* The person who continues to own or possess a dangerous wild animal must maintain health and ownership records for the dangerous wild animal for the life of the animal, including deaths and cause of each death; the complete name, address and telephone number of the

person to whom an animal was transferred or sold; the date the animal was transferred or sold; and the current location of each animal's records.

77.1(3) *Enclosure.* The person who continues to own or possess a dangerous wild animal must confine the dangerous wild animal in a primary enclosure on the person's premises. The primary enclosure should be of sound construction and maintained in good repair to protect the animal from injury. Construction materials and maintenance shall allow the animal to be kept clean. The animal should be housed or caged in a manner that allows the animal to perform the normal behavior patterns of its species and prevents disease, liberation, or accidental injury to the animal and the public. The animal should have adequate food, shelter, ventilation, and lighting for its species. Appropriate sanitation measures must be taken. Food supplies and bedding materials must be adequate, appropriate, and sanitary. Equipment must be available for the removal and disposal of waste materials to minimize vermin infestation, odors, and disease hazards.

77.1(4) *Signs.* The person who continues to own or possess a dangerous wild animal must display at least one visible, readable sign with suitable wording on the person's premises where the dangerous wild animal is kept warning the public that the dangerous wild animal is confined there.

21—77.2(717F) Escape notification. The person who continues to own or possess a dangerous wild animal must immediately notify an animal warden or other local law enforcement official and the department of any escape of a dangerous wild animal.

21—77.3(717F) Relinquishment. If the person who continues to own or possess a dangerous wild animal is no longer able to care for the animal, both of the following shall apply:

1. The person must so notify the department, stating the planned disposition of the dangerous wild animal.
2. The person must dispose of the dangerous wild animal by transferring ownership and possession to a wildlife sanctuary or providing for its destruction by euthanasia according to the American Veterinary Medical Association Guidelines for Euthanasia of Animals: 2020 Edition.

These rules are intended to implement Iowa Code chapter 717F.

RA 26-146

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulatory Analysis

Notice of Intended Action to be published: 567—Chapters 2, 2505, and 2506
"Fair Information Practices; Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 22.11 and 2026 Iowa Acts, Senate File 2463

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

August 12, 2026 1 to 2 p.m.	Backbone Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa

Public Comment

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

Kelli Book, Attorney
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.210.3408
Email: kelli.book@dnr.iowa.gov

Purpose and Summary

This proposed rulemaking modifies the Uniform Rules on Agency Procedure related to fair information practices (7—Chapter 2505) to ensure that business confidential records are properly processed and stored by the Department. This rulemaking is also being done in accordance with 2026 Iowa Acts, Senate File 2463, in which portions of Chapter 2 relating to personally identifiable information were not rescinded. In an effort to consolidate all Department rules regarding fair information practices, the content related to personally identifiable information is being moved to Chapter 2505. This will allow for Chapter 2 to be rescinded.

This proposed rulemaking also modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that the deadline for an administrative appeal is a definite date.

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 to the general public; this proposed rulemaking is mostly procedural and descriptive in nature. Those requesting a public record may incur a cost associated with fees prescribed by law and rule.

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

This proposed rulemaking provides procedural structure of public and confidential records for the general public and regulated entities. Those parties will benefit from clear and concise rules as to how records will be maintained by the Department. This rulemaking also provides clear and concise timing of administrative appeals for contested cases.

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

- **Quantitative description of impact:**

There are no costs associated with this proposed rulemaking.

- **Qualitative description of impact:**

This proposed rulemaking provides the procedural structure of public and confidential records for the general public and regulated entities. Those parties will benefit from clear and concise rules as to how records will be maintained by the Department. This rulemaking also provides clear and concise timing of administrative appeals for contested cases.

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:**

There will be no impact on State revenues associated with this proposed rulemaking.

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:**

None were considered.

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

This proposed rulemaking is consistent with the Uniform Rules on Agency Procedure for contested cases and fair information practices and provisions of Iowa Code chapter 22.

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. This rulemaking will benefit small businesses by providing clear and concise rules as to how records will be maintained by the Department and provide guidance for the appeal of contested cases.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **567—Chapter 2**.

ITEM 2. Adopt the following **new** 567—Chapter 2505:

CHAPTER 2505
FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

567—2505.5(17A,22) Confidential records. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order. Unless deemed as a confidential record or considered as a confidential record by Iowa Code section 22.7, all records are considered public and routinely disclosed without the consent of the subject.

2505.5(1) *Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order authorizes the custodian to treat the record as a confidential record may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

2505.5(2) *Request.* A written request that a record be treated as a confidential record and be withheld from public inspection should be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record. The request should include two copies of the record in question: one copy of the record with all information provided and a second copy of the record with the information being requested confidential deleted from the record.

2505.5(3) *Timing of decision.* A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed or when the custodian receives a request for access to the record by a member of the public.

2505.5(4) *Request granted or deferred.* If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

2505.5(5) *Request denied and opportunity to seek injunction.* If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian will notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good-faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8 or other applicable provision of law. However, such a record need not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian will notify the requester in writing of the time period allowed to seek injunctive relief or the reason for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian

may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received; if a court directs the custodian to treat it as a confidential record, to the extent permitted by another applicable provision of law; or with the consent of the person requesting access.

2505.5(6) *Processing of confidentiality claims.* In order to request a record be held confidential with the department, the party will comply with the following provisions:

a. Applicability/availability. Businesses that provide information to the department in applications, reports or otherwise in recorded form, or from or about which information is obtained and recorded by the department, may request that information not be disclosed to others for reasons of business confidentiality. Until such time as a request for confidentiality is received by the department, all information will be available to the public. If a claim is received after the information itself is received, the department will make such efforts as are administratively practicable to associate the claim with all copies of the previously received information. However, the department cannot ensure that such efforts will be effective in light of the possibility of prior disclosure or dissemination of the information beyond the department's reasonable control.

b. Confidentiality request process. An entity that submits information to the department may assert a confidentiality claim in accordance with the following process:

(1) Attach a cover sheet indicating the entity is seeking the information to be held confidential. The submission will include a letter of substantiation with the information required by paragraph 2505.5(6)*"c."*

(2) File two copies of the information: one copy with all information present and a second copy with the information for which the party wishes to claim confidential treatment deleted from the document.

c. Contents of claim. All claims for confidentiality must be substantiated with the following information in a letter attached to the proposed confidential document:

(1) A statement of all measures the business has taken to protect the confidentiality of the information and a statement of intent to continue to take such measures;

(2) Practices and policies of other businesses, if known, regarding confidentiality of similar information;

(3) A statement that the information is not, and has not been, reasonably attainable without the consent of the business by other persons other than government bodies by use of legitimate means;

(4) A statement demonstrating that disclosure of the information is likely to cause substantial harm to the business's competitive position;

(5) A reference to any other determinations of confidential status of the information or similar information.

d. Initial action by department. All claims will be reviewed for completeness and applicability of subrule 2505.5(8). If the claim does not include the substantiation required by paragraph 2505.5(6)*"c,"* or if the claim relates to information within subrule 2505.5(8), the business making the claim will be notified by certified mail. If the substantiation or comment regarding the inapplicability of subrule 2505.5(8) is not received by the department within ten days of the date on the return receipt, the department will place the information in the public file. Otherwise, all information claimed to be confidential will be treated as such by the department until further notice.

e. Substantive criteria for use in confidentiality determinations. Prior determinations by the courts, the department, or other agencies on the information or similar information will be given due consideration and effect. Determinations will hold that business information is entitled to confidential treatment for the benefit of a particular person if:

(1) The business has taken and intends to continue to take reasonable measures to protect the confidentiality of the information;

(2) The information is not readily obtainable by others by legitimate means;

(3) The claim is not unreasonable in view of the nature of the information, the interests and normal practices of the business, and the practices of other businesses;

(4) No statute or rule specifically requires disclosure of the information; and

(5) There is a substantial likelihood that disclosure of the information would cause substantial harm to the competitive position of the business.

f. Determination. The department will transmit its determination regarding a claim for business confidentiality to the claimant by certified mail, notifying the claimant of the opportunity to provide comments within ten days subject to reasonable extension upon written request, and that failure to comment will be construed to indicate agreement with the preliminary determination. If the determination is in response to a request for disclosure, the person requesting the disclosure will be sent a similar notice in the same manner within ten days of the request. If any substantial comments are received, the final decision will be made by the director or designee. If no substantial comments are received, the preliminary determination becomes the final decision.

g. All procedures within this rule will not be considered contested case proceedings as provided in Iowa Code chapter 17A.

2505.5(7) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids;

b. Tax records made available to the department;

c. Records that are exempt from disclosure under Iowa Code section 22.7;

d. Minutes of closed meetings of a government body;

e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets;

f. Those portions of the department's staff manuals, instructions, or other statements issued that set forth criteria or guidelines to be used by staff in auditing; in making inspections; in settling commercial disputes or negotiating commercial arrangements; or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the department;

g. Records that constitute attorney work product, constitute attorney-client communications, or are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa R.C.P. 1.503(3); Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Any other records made confidential by law.

2505.5(8) *Not confidential.* Notwithstanding any other provision, the following information will not be considered confidential by the department:

a. Emission data. For purposes of this subrule, "emission data" means the following, with reference to any source of emission of any substance into the air:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission that has been emitted by the source (or of any pollutant resulting from any emission by the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions that, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

b. Analytical results of monitoring or public water supply systems;

c. Name and address of any permit applicant; and

d. NPDES permits, applications (including any information required by NPDES application forms), and effluent data. For purposes of this subrule, "effluent data" means the following, with reference to any source of discharge of any pollutant:

(1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant that has been emitted by the source (or of any pollutant resulting from any discharge from the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants that, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

567—2505.9(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the department of natural resources by personal identifier in record systems. For the purposes of this rule, "record system" means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. Records maintained by the department of natural resources, the environmental protection commission, and the natural resource commission are in accordance with guidelines as set forth by the state records commission's file system. An updated index is maintained by the department and is available for public inspection. Records are collected pursuant to authorities contained in Iowa Code title XI. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications. Department of natural resources and natural resource commission records may include but are not limited to the following:

2505.9(1) Department of natural resources.

a. Administration, organization, and management.

(1) Organization and management.
(2) Planning and programming.
(3) Administrative reports.
(4) Insurance and bonding.
(5) Departmental emergency planning.
(6) Correspondence and reference materials.
(7) Information and public relations.

b. Budgets, accounting and financial analysis.

(1) Budget information.
(2) Accounting.
(3) Cost accounting.

c. Office services and facilities management.

(1) Communications.
(2) Printing and reproduction.
(3) Records management.
(4) Motor pool operations.
(5) Facilities management.
(6) Engineering and construction.

d. Equipment, supplies, and services.

(1) Procurement.
(2) Property accountability.
e. Legislative and legal.
(1) Department legislative liaison.
(2) Bills, joint resolutions, amendments, messages, and reports.
(3) Federal government.
(4) Administrative procedures.
(5) Attorney general opinions and research materials.
(6) Claims against the state.
(7) Lawsuits filed by the state.
(8) 28E agreements.
f. Personnel and payroll.
(1) Employee personnel/payroll files.
(2) Merit rules.
(3) Payroll administration.
(4) Position classification.
(5) Preemployment.
(6) Certification and selection.
(7) Scheduling, assignments, and working hours.
(8) Grievances.
(9) Training and education.
(10) Employee benefits and welfare.
(11) Employment relations.
(12) Equal employment opportunity.
(13) Management improvement programs.
(14) Delegation of authority and signature authorization.
g. Conservation and environment.
(1) Geology.
1. Surface and groundwater monitoring.
2. Natural resources geographic information system (GIS) library.
3. Oil/gas exploration and drilling.
(2) Water conservation.
(3) Land conservation.
(4) Soil conservation.
(5) Forestry management.
(6) Fish and game conservation.
(7) Recreation.
(8) Environmental technology.
(9) Air quality monitoring.
(10) Water quality monitoring.
(11) Land quality monitoring.
(12) Hazardous material planning.
1. Hazardous waste management.
2. Underground storage tanks.
3. Leaking underground storage tanks.
(13) Radioactive materials.
(14) Environmental—interdisciplinary.

2505.9(2) Natural resource commission.
a. Tort claims investigations.
b. Numerous licensing files.
c. Lifetime licenses.

d. Boat registrations.
e. Docks, mooring, buoys or raft registrations.
f. Snowmobile registrations.
g. Miscellaneous mailing list (e.g., magazine).
h. Payroll and personnel information system.
i. Fur buyer reports.
j. Fish and game violations.
k. Safety certified students (hunter safety, snowmobile safety, and boating safety).
l. Special events applications and permits.
m. Snowmobile accident reports.
n. Boating accident reports.
o. Drowning reports.
p. Timber buyer reports and bonds.
q. Work programs with Iowa State University.
r. Timber management and forestry.
s. State park ranger violation reports.
t. Incident reports.
u. Donations.
v. Real estate acquisition.
w. Encroachments.
x. Campground host program.
y. Law enforcement intelligence network (LEIN) and turn in poachers (TIP).
z. Park leases and concessions.

567—2505.10(17A,22) Other groups of records. This rule describes groups of records maintained by the department of natural resources other than record systems as defined in rule 567—2505.9(17A,22). These records are routinely available to the public. However, the department's files of these records may contain confidential information. In addition, some records may contain information about individuals. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications.

2505.10(1) *Rulemaking.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

2505.10(2) *Commission records.* Agendas, minutes, and materials presented to the environmental protection commission and the natural resource commission are available from the office of the director, except these records concerning closed sessions that are confidential under Iowa Code section 21.5(5). Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

2505.10(3) *Publications.* News releases, annual reports, Iowa Outdoors magazine, project reports, agency newsletters, etc., are available from the department offices for public information. Brochures describing various department programs are available at local offices of the department. Department news releases, project reports, Iowa Outdoors magazine, and newsletters may contain information about individuals, including department staff or members of the commission or committees.

2505.10(4) *Statistical reports.* Periodic reports for various department programs are available from the department offices for public information.

2505.10(5) *Grants or loans.* Records on persons and institutions receiving grants or loans are available through the institutions, also for public information. The records may contain information about employees of a grantee.

2505.10(6) *Published materials.* The department of natural resources uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.10(7) *Policy manuals.* The department of natural resources employees' manual, containing the policies and procedures for programs administered by the department, is available in every office of the department. Policy manuals do not contain information about individuals.

2505.10(8) *All other records that are not exempted from disclosure by law.* The department maintains a variety of records that do not generally contain information pertaining to named individuals.

ITEM 3. Adopt the following **new** 567—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

567—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, within 60 days.

RA 26-147

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 107
"Certification of Adoption Investigators"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 600 and 234.6
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 600

Public Hearing

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

July 28, 2026 10 a.m.	Microsoft Teams Meeting ID: 291 340 678 349 357 Passcode: LT7oc32E

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 was reviewed as a part of Executive Order 10. As a result, duplicative terms were removed, restrictive terms were reduced, and the rules were streamlined and updated to reflect current practices. This proposed chapter outlines the standards and qualifications necessary to become a certified adoption investigator.

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:**

Those persons applying to become certified adoption investigators and postplacement supervisors and those who create reports for the court will benefit from updated and streamlined rules.

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 chapter was reviewed as a part of Executive Order 10. As a result, duplicative terms were removed, restrictive terms were reduced, and the rules were streamlined and updated to reflect current practices.

- **Qualitative description of impact:**

The review of this proposed chapter did not result in any changes that weaken or lessen the standards for becoming a certified adoption investigator.

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 enforcement of this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact 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:**

Rulemaking for the certification of adoption investigators is appropriate under Iowa Code chapter 600 and section 234.6.

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 is not expected to impact small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 107 and adopt the following **new** chapter in lieu thereof:

CHAPTER 107
CERTIFICATION OF ADOPTION INVESTIGATORS

441—107.1(600,234) Definitions.

"Adoption work experience" means supervised employment in adoption services, which includes direct provision of adoption services, developing adoption policies, conducting training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. Only the percent of time related to provision of adoption services shall be considered as adoption work experience when job duties involve activities other than adoption services.

"Certified adoption investigator" means a person authorized by the department to provide background reports on birth parents, adoption preplacement investigations, postplacement supervision, and reports to the court within the state of Iowa.

441—107.2(600,234) Application.

107.2(1) *Application form.* Application for certification as an adoption investigator shall be made on a form obtained from the department.

107.2(2) *Employees of licensed child-placing agencies and the department.* Persons employed as social workers in licensed child-placing agencies who meet the requirements for certification in rule 441—107.3(600,234) are eligible to apply for certification as adoption investigators unless the agency employing them objects in writing.

a. The applicant shall furnish a letter of approval from the agency as part of the certification process.

b. Persons employed as social workers for the department who meet the requirements for certification in rule 441—107.3(600,234) are eligible to apply for certification as adoption investigators for services provided outside of their current job duties unless their current job duties include any of the following:

(1) Any of the activities described in rule 441—107.7(600,234).

(2) Immediate supervision of employees engaged in activities described in rule 441—107.7(600,234).

(3) Certification of adoption investigators.

(4) Placement of children for adoption.

(5) Development of adoption policies used in administration of the adoption program.

441—107.3(600,234) Requirements for certification. Persons with academic qualifications and adoption work experience may be certified by the department to provide adoption preplacement investigations, postplacement supervision, and reports to the court.

107.3(1) *Office location.* The applicant shall retain an office in Iowa where all Iowa adoption reports and records of fees are maintained and are available for inspection.

107.3(2) *Education and experience.*

a. If the applicant was initially certified as an adoption investigator before October 1, 1991, the applicant shall have one of the following combinations of education and experience:

(1) Graduation from an accredited four-year college or university and adoption work experience equivalent to a total of three years of full-time experience.

(2) A bachelor's degree in social work from an accredited four-year college or university in a program accredited by the council on social work education and adoption work experience equivalent to a total of two years of full-time experience.

(3) A master's degree in social work from an accredited college or university in a program accredited by the council on social work education and adoption work experience equivalent to a total of one year of full-time experience.

b. If the applicant is initially certified as an adoption investigator on or after October 1, 1991, the applicant shall have one of the following combinations of education and experience:

(1) Graduation from an accredited four-year college or university with a bachelor's degree in social work, psychology, counseling, family therapy, family living, or other family-oriented degree

and postgraduation adoption work experience equivalent to a total of three years of full-time experience.

(2) Graduate education in a master's program in social work, psychology, counseling, family therapy, family living, or other family-oriented program from an accredited four-year college or university may be substituted for required adoption work experience on the basis of 30 semester hours for one year of full-time experience, for up to two full years of the required three years of adoption work experience.

(3) A master's degree in social work, psychology, counseling, family therapy, family living, or other family-oriented degree from an accredited college or university and postgraduation adoption work experience equivalent to a total of one year of full-time experience.

107.3(3) *Verification of qualifications.*

a. The applicant shall provide a certified transcript of college credits; and

b. The applicant shall provide a record of all adoption work experience, including dates and location; and

c. The applicant shall provide the name(s) of employer(s) and supervisor(s) to enable the department to verify the applicant's adoption work experience; and

d. The applicant shall give names of at least two additional persons as character references who will be contacted by the certifier.

107.3(4) *Statement of activities and duties.* Prior to certification, the applicant shall prepare a written statement identifying the proposed activities, duties and fees of the applicant as a certified adoption investigator.

a. The statement shall indicate that the services described in rule 441—107.7(600,234) are being provided by the individual investigator, not a child-placing agency, and are not provided in the course of the individual investigator's employment with a child-placing agency or the department.

b. The activities and duties identified in the statement cannot exceed the scope of an investigator's services as defined in rule 441—107.7(600,234).

c. The statement shall include the fee schedule to be used in the determination of a charge for investigative services.

d. A copy of the statement shall be provided to the department to be maintained as a public record.

e. Upon request, this statement shall be provided by the investigator to persons requesting services from the investigator.

107.3(5) *Record checks.* The department of inspections, appeals, and licensing shall submit record checks for each new applicant and those applying for recertification to determine whether they have any founded child abuse reports, dependent adult abuse reports or convictions or have been placed on the sex offender registry.

a. The department of inspections, appeals, and licensing shall use the Request for Child Abuse and Dependent Adult Abuse Information form, and the Iowa Division of Criminal Investigation Criminal History Record Check Request form, for this purpose. The department will not certify the applicant with a record of founded child abuse, dependent adult abuse, a criminal conviction, or placement on the sex offender registry as an adoption investigator unless evaluation of the founded abuse or crime indicates approval for certification.

b. The applicant shall complete and return a Record Check Evaluation form, within ten calendar days of the date on the form, to be used by the department to assist in the evaluation. Failure of the applicant to complete and return the Record Check Evaluation form within the specified time frame will result in denial of certification.

c. The department will evaluate the nature and seriousness of the founded abuse or crimes, the time elapsed since the commission of the founded abuse or crimes, the circumstances under which the founded abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of founded abuses or crimes committed by the applicant. The department will issue a notice of decision to the applicant of the results of the

evaluation. The department will issue the notice of decision even in cases when the applicant fails to complete the evaluation form.

d. Investigators applying for recertification are subject to the same record checks as new applicants. The department will evaluate only abuses, convictions of crimes, and placement on the sex offender registry since the last record check using the same process.

107.3(6) *Certification actions for nonpayment of child support.* The department will revoke or deny the issuance or renewal of a certification of an adoption investigator upon the receipt of a certificate of noncompliance from child support services. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter apply.

a. The notice required by Iowa Code section 252J.8 will be provided to the applicant in writing.

b. The effective date of the revocation or denial of the certification as specified in the notice required by Iowa Code section 252J.8 will be 60 days following service of the notice upon the applicant or certified investigator.

c. The department is authorized to prepare and serve the notice as required by Iowa Code section 252J.8 upon the applicant or certified investigator.

d. Applicants and certified investigators shall keep the department informed of all court actions, and all child support services actions taken under or in connection with Iowa Code chapter 252J, and shall provide the department copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in these actions, and withdrawals of certificates of noncompliance by child support services.

e. An applicant or certified investigator may file an application with the district court within 30 days of service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9.

(1) The filing of the application shall stay the department action until the department receives a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed.

(2) For purposes of determining the effective date of the revocation, or denial of the issuance or renewal of a certification, the department will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

f. The department will notify the applicant or certified investigator in writing within ten days of the effective date of the revocation of certification or the denial of the issuance or renewal of a certificate of adoption investigator and will similarly notify the applicant or certified investigator when the certificate is issued, renewed, or reinstated following the department's receipt of a withdrawal of the certificate of noncompliance.

g. Notwithstanding Iowa Code section 17A.18, the registrant does not have the right to a hearing regarding this issue, but may request a court hearing pursuant to Iowa Code section 252J.9.

441—107.4(600,234) Granting, denial, or revocation of certification.

107.4(1) *Granting of certification.* When all of the requirements of this chapter are met, certification will be granted.

107.4(2) *Denial or revocation of certification.*

a. Certification or recertification will be denied or revoked when one or more of the following conditions exist:

(1) The applicant does not comply with the requirements listed in subrules 107.3(1), 107.3(2), and 107.3(4) and rules 441—107.9(600,234) and 441—107.10(600,234).

(2) The applicant does not provide information required in subrule 107.3(3).

(3) The applicant has willfully or knowingly misrepresented information regarding qualifications for certification.

(4) When information about the certified investigator is received and verified by the department of inspections, appeals, and licensing, such as but not limited to failure to carry out the activities and duties as stated in this chapter, charging fees in excess of those specified in subrule 107.7(5) and breaches of confidentiality, and the effect of the investigator's actions would be detrimental to any of

the parties to the adoption. Complaints involving the reasonable exercise of professional judgment in the denial or approval of a preplacement investigation are not grounds for decertification.

(5) The investigator, after being warned in writing by the licensor, provided incomplete or inadequate information or inaccurate information in required reports as described in rule 441—107.7(600,234).

(6) The applicant has a founded child abuse, dependent adult abuse or criminal record conviction unless an evaluation of the founded abuse or criminal conviction is conducted by the department of inspections, appeals, and licensing that concludes that the abuse or crime does not merit prohibition of certification.

(7) The investigator aids or participates in an illegal placement or violates the statutes of Iowa Code chapter 600.

b. If an applicant is denied certification or recertification based on an inability to meet the requirements, the applicant may reapply when the requirements for certification have been met.

441—107.5(600,234) Certificate.

107.5(1) *Contents.* The State of Iowa Certificate of Adoption Investigator form will contain the name of the investigator and the expiration date of the certificate and be signed by a person designated by the director of the department.

107.5(2) *Time limit.* The investigator will be certified for two years. Certification will expire at the end of two years unless the investigator has made timely application for recertification. No provisional certificates will be issued.

107.5(3) *Records of certifications.*

a. The department will keep records of certifications, including the application and verifications.

b. The department will keep a list of certified adoption investigators by districts and will update the list at least semiannually. Lists of certified adoption investigators will be made available on the department's website.

441—107.6(600,234) Renewal of certification.

107.6(1) *Request for renewal.* To be recertified, the person shall submit a new Application for Certification of Adoption Investigator form at least 30 days before the expiration of the certificate. If no application is submitted, the certification will expire.

107.6(2) *Evaluation of investigator.* Upon receipt of the request for recertification, the department investigators' records shall be reviewed and evaluated by the licensor to determine whether the requirements of these rules have been met.

a. This evaluation shall include the review of 20 percent, or no fewer than four, of the adoption records opened since the last review for certification and the fees assessed to clients. Reports of investigations will be available to the licensor during the review for recertification, or at any other time upon request by the licensor.

b. When deficiencies are noted at the time of review, the investigator shall be given up to 30 days to meet the standards set forth in 441—Chapter 107.

c. The deficiencies shall be noted in writing and the investigator shall sign a statement that includes agreement to the following:

(1) The deficiencies noted by the licensor, including the areas of 441—Chapter 107 that are not met.

(2) A plan for correcting the deficiencies.

(3) The date by which the deficiencies will be corrected.

d. When the deficiencies are corrected within the time frame granted, the certificate will be renewed. Deficiencies not corrected within the allowed time frame are grounds for revocation of the investigator's certificate.

107.6(3) *Notification.* The department will notify the investigator of the decision regarding the initial application, and any applications for recertification, within 60 days of receipt of the application.

When the request for recertification is not received prior to the date of expiration, the department will notify the investigator that the certification has expired.

441—107.7(600,234) Investigative services.

107.7(1) *Preplacement investigations.* When a certified adoption investigator provides a preplacement investigation of a prospective adoptive family, the investigation shall meet the requirements of Iowa Code section 600.8(1)*"a."*

a. The preplacement investigation shall include at a minimum two contacts, one face-to-face interview with the applicants and each member of the household and at least one home visit.

b. The certified adoption investigator shall have on file a written assessment of the family that shall be used to approve or deny a prospective adoptive family. The written home study assessment shall include the date the home study was completed, shall be signed by the investigator and the signature notarized. The assessment shall include the following:

(1) Motivation for adoption and whether the family has biological, adopted, or foster children;

(2) Family and extended family's attitude toward accepting an adopted child, and plans for discussing adoption with the child;

(3) The attitude toward adoption of other people involved with the family in a significant way;

(4) Emotional maturity; marital history, including verification of marriages and divorces; assessment of marital relationship; and compatibility of the adoptive parents;

(5) Ability to cope with problems, stress, frustrations, crises, separation, and loss;

(6) Medical, mental, or emotional conditions that would affect the applicant's ability to parent a child;

(7) Ability to provide for the child's physical and emotional needs and to respect the child's cultural and religious identity;

(8) Description of biological children and previously adopted children, if any, including their attitudes toward adoption, relationships with others, and school performance;

(9) Capacity to give and receive affection;

(10) Statements from at least three references provided by the family and other unsolicited references that the investigator may wish to contact;

(11) Attitudes of the adoptive applicants toward the birth parent(s) and the reason(s) the child is available for adoption;

(12) Income information, including the family's ability to financially provide for a child;

(13) Disciplinary practices that will be used;

(14) History of abuse involving family members, including how the abuse was addressed and how that history impacts the applicant's ability to be an adoptive parent;

(15) Assessment of, commitment to, and capacity to maintain other significant relationships;

(16) Substance use or abuse by members of the household, treatment history and current status of treatment;

(17) Recommendations for the number, age, sex, characteristics, and unique needs of children best served by this family; and

(18) The family's ability to anticipate and understand the unique needs of an adopted child as the child becomes older and how the family will manage those needs.

c. Record checks. The certified adoption investigator shall perform record checks for each applicant and for the other persons living in the home of the applicant as follows:

(1) The records of the applicants shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse and Dependent Adult Abuse Information form;

2. By the Iowa division of criminal investigation, using the Criminal History Record Check form;

3. On the Iowa sex offender registry;

4. On the child abuse and dependent adult abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and

5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.

(2) The records of persons aged 14 or older living in the home of the applicant shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse and Dependent Adult Abuse Information form;

2. By the Iowa division of criminal investigation, using the Criminal History Record Check form; and

3. On the Iowa sex offender registry.

(3) Out-of-state child abuse checks, dependent adult abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator has reason to do so.

(4) The person making the investigation shall not approve a prospective applicant and cannot perform an evaluation if the applicant or any other adult living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)*"b."*

(5) The person making the investigation shall not approve a prospective applicant and cannot perform an evaluation if the applicant or any other adult living in the home of the applicant has committed a crime in a state other than Iowa that would be a forcible felony if the crime would have been committed in Iowa as set forth in Iowa Code section 600.8(2)*"b."*

d. Evaluation of record. If there is a record of founded child abuse, dependent adult abuse or a criminal conviction for the applicant or any other adult living in the home of the applicant, the applicant shall not be approved to adopt, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

(1) The evaluation shall consider the nature and seriousness of the founded child abuse, dependent adult abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

(2) The person with the founded child abuse, dependent adult abuse or criminal conviction report shall complete and return the Record Check Evaluation form within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

(3) If the applicant, or any other adult living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by a certified adoption investigator. The certified adoption investigator shall notify the applicant of the results of the evaluation in writing. The notice shall contain information on appeal rights.

(4) If the applicant, or any other person living in the home of the applicant, has a founded child or dependent adult abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, a certified adoption investigator shall initially conduct the evaluation.

1. If the certified adoption investigator determines that the abuse or crime does warrant prohibition of approval, the certified adoption investigator shall notify the applicant of the results of the evaluation in writing.

2. If the certified adoption investigator determines that the applicant should be approved despite the abuse or criminal conviction, the certified adoption investigator shall provide copies of the child abuse report, dependent adult abuse report or criminal history record and the Record Check Evaluation form to the department. Within 30 days, the department will determine whether the abuse or crime merits prohibition of approval and will notify the certified adoption investigator in writing of that

decision. The certified adoption investigator will notify the applicant of the department's written decision regarding the evaluation of an abuse or crime.

e. Decision. The certified adoption investigator shall notify the applicant in writing no later than 30 days after completion of the home study of the investigator's decision regarding approval for placement of a child.

(1) If the applicant is denied, the certified adoption investigator shall state the reasons for denial in the written decision.

(2) The certified adoption investigator shall date, sign and notarize the adoptive home study.

(3) The certified adoption investigator shall provide a copy of the home study to the family at the time the written decision is sent.

(4) A home study shall be valid for up to two years from the date signed by the certified adoption investigator.

f. Denial. The certified adoption investigator shall deny approval of an adoption application when:

(1) The applicant or any other person living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)*"b."*

(2) The standards set forth in these rules are not met and cannot be corrected.

(3) The applicant or any person residing in the home has been convicted of a crime unless an evaluation of the crime has been made by the department that concludes that the crime does not merit prohibition of approval of an adoption application.

(4) The applicant or any person residing in the home has a record of founded child abuse or dependent adult abuse unless an evaluation of the founded child abuse or dependent adult abuse has been made by the department that concluded that the founded child abuse or dependent adult abuse does not merit prohibition of approval of an adoption application.

(5) The applicant has knowingly made false statements or has knowingly concealed information that is material to the investigation.

g. Updates. An update to the home study shall be completed no later than 24 months from the previous home study or previous home study update in order for the home study to remain valid. The home study update shall consist of completion of the following:

(1) The child abuse, dependent adult abuse and criminal history record checks, except for national criminal history checks, shall be repeated. If there are new founded abuses or convictions of crimes that were not evaluated in the previous home study, they shall be evaluated using the process set forth in paragraph 107.7(1)*"d."*

(2) One face-to-face visit shall be conducted with the approved family annually.

(3) The information in the approved home study shall be reviewed.

(4) An updated report of the adoptive home study shall be written, dated, signed and notarized and a copy provided to the applicant.

h. Annual visits to the adoptive home. The certified adoption investigator shall complete a minimum of one visit each year in the homes of families approved to adopt by the investigator.

(1) The visit shall include, at a minimum, an assessment of the following areas:

1. Home environment.
2. Persons present at the time of the visit.
3. Changes in the home or household members, or other areas addressed in the home study.

(2) When a person aged 14 or older moves into the home, the investigator shall perform checks on the Iowa central child and dependent adult abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction, founded child abuse report, founded dependent adult abuse report or is on the sex offender registry.

(3) The findings from the visit shall be documented and maintained in the file.

107.7(2) *Background information investigation.* When a certified adoption investigator is requested to complete a background information investigation on the child to be adopted, the

investigation shall include a complete medical, mental health and criminal history of the family and developmental history of the child to be adopted.

a. A personal interview with each parent of the child is mandatory unless a parent's identity or whereabouts is unknown.

b. If a parent's identity or whereabouts is unknown, as much information as possible shall be obtained from the other parent or other sources if available.

c. A copy of the background information shall be provided to prospective adoptive families before placement of the child.

107.7(3) *Postplacement supervision.* Postplacement reports shall be written after each postplacement visit, and copies shall be kept in the permanent family file retained by the investigator.

a. Postplacement supervision shall address the unique needs of the child, including but not limited to the following areas:

(1) Integration and interaction of the child with the family.

(2) Changes in the family functioning that may be due to the child's placement.

(3) Social and emotional adjustment of the child.

(4) Child's growth and development since placement with the adoptive family.

(5) Changes and adjustments that have been made in the family since the child's placement.

(6) Family's method of dealing with testing behaviors and discipline.

(7) Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.

(8) School adjustment of a child who is attending a school.

(9) The behavioral needs of the child.

(10) The psychological and mental health needs of the child.

(11) Services and supports that will assist the family in the future.

b. Postplacement visits shall be completed at a minimum as follows:

(1) One no later than 30 days after placement.

(2) One no later than 90 days after placement.

(3) A final visit prior to requesting a consent to adopt, no later than 180 days after placement.

(4) Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and the visits may extend to finalization or beyond 180 days if the department or certified adoption investigator believes additional time is needed.

c. The certified adoption investigator shall prepare a written report based on observations made during each home visit. Each report shall address the specific needs of the child and the family's ability to meet those needs. The reports shall be used by the certified adoption investigator in making a written recommendation to the court regarding finalization of the adoption.

107.7(4) *Reports of investigations.* The certified adoption investigator is authorized to provide reports to the courts concerning the above investigations and reports to the guardian or custodian of the child and the attorney for the adoptive family.

107.7(5) *Fees for services.* Certified adoption investigators may charge a fee for the services described in subrules 107.7(1), 107.7(2), and 107.7(3). The department will review the amount of fees for services charged to families at the time that the investigator's records are reviewed for recertification. Information shall also be retained regarding fees charged to a family by another party and collected by the investigator.

441—107.8(600,234) International adoptions postplacement report.

107.8(1) For an adoption based on a decree issued by another state's jurisdiction within the United States, the certified adoption investigator shall conduct a postplacement investigation and issue a postplacement report as required in 441—subrule 108.9(5).

107.8(2) For an adoption based on a decree issued by a jurisdiction outside the United States, a certified adoption investigator shall conduct a postplacement investigation that consists of a minimum of three face-to-face visits with the minor person and the adoptive parents during the first year after

placement, with the first such visit to be conducted within 60 days of the placement of the minor person in the adoptive home. Additional visits may be conducted if required by the jurisdiction that issued the decree.

107.8(3) The postplacement investigation and report under this rule shall include documentation that any unique needs of the minor person are being met appropriately through the placement.

441—107.9(600,234) Retention of adoption records. The adoption investigator shall maintain a record of each family or child when one or more of the required reports have been completed. The record shall contain copies of all completed reports and a statement of fees charged by the investigator.

107.9(1) *Access to records.* The provisions regarding sealing of and access to adoption records in Iowa Code section 600.16 shall be followed, except that access under subrule 107.9(3) for recertification is permitted.

107.9(2) *Disposition of records.* Upon revocation, denial of renewal, or expiration of certification, all sealed records held by investigators shall be forwarded to the department.

107.9(3) *Access for recertification.* Authorized representatives of the department shall have access to all records of reports completed within a two-year period prior to recertification for purposes of recertification.

441—107.10(600,234) Reporting of violations. All violations or suspected violations under Iowa Code chapter 600 or 600A that come to the attention of the investigator shall be reported in writing to the district court having jurisdiction of the matter and to the department. The investigator shall provide copies of these written reports to the district court having jurisdiction of the matter and to the department.

441—107.11(600,234) Appeals. Certified investigators or applicants may appeal decisions of the department according to rules in 441—Chapter 2506.

These rules are intended to implement Iowa Code chapters 600 and 234.

RA 26-149

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 152
"Foster Care Contracting"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 234.6
State or federal law(s) implemented by the rulemaking: Iowa Code section 234.6

Public Hearing

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

July 28, 2026 10 a.m.	Microsoft Teams Meeting ID: 291 340 678 349 357 Passcode: LT7oc32E

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 was reviewed as a part of the Red Tape Review set forth by Executive Order 10. As a part of this review, restrictive terms were eliminated and rules were updated to reflect modern practices, while also reducing regulatory burdens. The proposed chapter sets forth the contracting process used for providers of foster group care, child welfare emergency services shelter, and supervised apartment living. This proposed chapter also establishes provider qualifications, service authorization procedures, documentation requirements, and service termination and appeal procedures associated with these foster care services.

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 the proposed rulemaking.

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

Facilities and providers that contract with the Department, as well as the children and residents who utilize the facilities, will benefit from clear, well-organized rules.

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

- **Quantitative description of impact:**

There is not expected to be a quantitative impact from this rulemaking.

- **Qualitative description of impact:**

Facilities and providers that contract with the Department, as well as the children and residents who utilize the facilities, will benefit from clear, well-organized rules.

3. **Costs to the State:**

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

There are no implementation or enforcement costs aside from personnel expenses.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have an effect on State revenues.

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

The rules set forth in this proposed chapter are appropriate under Iowa Code section 234.6.

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 rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 152 and adopt the following **new** chapter in lieu thereof:

CHAPTER 152
FOSTER CARE CONTRACTING

441—152.1(234) Definitions.

"Affiliates" means persons having a relationship such that any one of them directly or indirectly controls or has the power to control another.

"Authorized representative" means that person appointed to carry out audit procedures, including an assigned auditor, fiscal consultant, or agent contracted for a specific audit or audit procedure.

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

"Claim" means each record the department receives that tells the amount of requested payment and the service rendered by a provider to a child and family.

"Client" means a child who has been found to be eligible for foster care services through the department.

"Confidence level" means the probability that an overpayment or underpayment rate determined from a random sample of charges is less than or equal to the rate that exists in the sample from which the sample was drawn.

"Contract" means a formal written agreement between the department and a provider of foster care services.

"Extrapolation" means using sample data meeting the confidence level requirement to estimate the total dollars of overpayment or underpayment.

"Family," for purposes of child welfare service delivery, includes the following:

1. The natural or adoptive parents, stepparents, domestic partner of the natural or adoptive parent, and children who reside in the same household.
2. A child who lives with an adult related to the child within the fourth degree of consanguinity and the adult relatives within the fourth degree of consanguinity in the child's household who are responsible for the child's supervision. Relatives within the fourth degree of consanguinity include full or half-siblings, aunts, uncles, great-aunts, great-uncles, nieces, great-nieces, nephews, great-nephews, grandparents, great-grandparents, great-great-grandparents, and first cousins.
3. A child who lives alone or who resides with a person or persons not legally responsible for the child's support.

"Fiscal record" means a tangible and legible history that documents financial and statistical records.

"Juvenile court officer" means a person appointed as a juvenile court officer or chief juvenile court officer under Iowa Code chapter 602.

"Overpayment" means any payment or portion of a payment made to a provider that is incorrect according to the laws and rules applicable to foster care services and results in a payment greater than that to which the provider is entitled.

"Probation" means a specified period of conditional participation in the provision of foster care services.

"Provider" means the entity that has executed a contract with the department to provide services.

"Random sample" means a systematic (or every "nth" unit) sample for which each item in the sample has an equal probability of being selected.

"Referral worker" means the department worker or juvenile court officer who refers the case to a provider and who is responsible for carrying out the follow-up activities of determining client eligibility and ensuring that the service authorization is completed.

"Service authorization" means the process of determining service necessity and the level of care and number of units of service to be provided to a child.

"Service record" means an individual, tangible, and legible file that records service-related activities set forth in subrule 152.2(4).

"Site" means each licensed location of the foster care provider.

"Underpayment" means any payment or portion of a payment not made to a provider for services delivered to eligible recipients according to the laws and rules applicable to the foster care services program and to which the provider is entitled.

"Unit of service" means one day for group care and child welfare emergency services shelter.

"Withholding of payments" means a reduction or adjustment of the amounts paid to a provider on pending and subsequently submitted claims for purposes of offsetting overpayments previously made to the provider.

441—152.2(234) Conditions of participation.

152.2(1) *Provider licensure.* A provider facility shall obtain licensure prior to accepting placements from the department.

152.2(2) *Provider staffing.* At a minimum, all providers shall meet all licensure requirements for staff qualifications, training, and number of staff pursuant to 441—Chapter 105, 108, or 114.

152.2(3) *Provider charges.* A provider cannot charge department clients more than it receives for the same foster care services provided to nondepartment clients. The provider shall agree not to require any fee from department clients unless a fee is required by the department and is consistent with federal regulation and state policy.

152.2(4) *Maintenance of service records.* A provider shall maintain complete and legible records as required in this subrule.

a. For foster group care and shelter care, the provider shall establish and maintain confidential, individual service records for each client receiving foster care services. The service records must adequately support the provision of child welfare services and group care maintenance. The service record shall include, at a minimum, those items identified in rule 441—114.11(237) and 441—Chapter 105 and shall also include all of the following:

(1) Additional reports, if requested by the referral worker.

(2) Referral and Authorization Form.

(3) Daily documentation of billed per diem services. The documentation shall include:

1. The child's first and last name;
2. The month, day, and year service was provided;
3. The first and last names of the persons who or organizations that provided the service;
4. A clear description of the specific service rendered, including interventions, actions, and activities performed that support the provision of child welfare services.

(4) Notes, which shall be entered no less than every seven calendar days, indicating the child's general progress in regard to the child's care plan.

(5) Any problem areas or unusual behavior for the child.

b. For supervised apartment living, the provider shall establish and maintain confidential, individual service records for each client receiving supervised apartment living services.

c. Failure to maintain records or failure to make records available to the department or to its authorized representatives upon request may result in a notice of violation and recoupment of payments.

152.2(5) *Maintenance of financial and statistical records.* The provider shall maintain sufficient financial and statistical records, including program and census data, to document the validity of the reports submitted to the department. The records shall be available for review at any time during normal business hours by department personnel, the department's fiscal consultant, and state or federal audit personnel.

a. At a minimum, financial and statistical records shall include all revenue and expenses supported by a provider's general ledger and documentation on file in the provider's office. These records include, at a minimum:

(1) Payroll information.

(2) Capital asset schedules.

(3) All canceled checks, deposit slips, and invoices (paid and unpaid).

(4) Audit reports (if any).

(5) The board of directors' minutes (if applicable).

(6) Loan agreements and other contracts.

(7) Reviewable, legible census reports and documentation of units of service provided to department clients that identify the individual client and are kept on a daily basis and summarized in a monthly report.

(8) For nondepartment clients, sufficient documentation of utilization to establish a complete unit of service count.

b. The provider shall maintain a list of all staff and supervisors providing foster care services and their qualifications for each program.

c. When a provider has an independent audit conducted, a firm not related to the provider shall conduct the audit. The provider shall submit a copy of the independent audit report to the department within 30 days of receipt of the report.

152.2(6) *Cost report.* Providers shall complete the Combined Cost Report Form as required by contract.

a. Due date. The cost report shall be submitted to the department no later than three months after the close of the provider's established fiscal year. The provider may request a one-month extension.

b. Opinion of accountant. The department may require that an opinion of a certified public accountant or public accountant accompany the report when adjustments made to prior reports indicate noncompliance with reporting instructions.

c. County reimbursement for child welfare services shelter costs. If a shelter care provider's actual and allowable costs as set forth in 441—Chapter 156 for a child's shelter care placement exceed the amount the department is authorized to pay and the provider is reimbursed by the child's county of legal settlement for the difference between actual and allowable costs and the amount reimbursed by the department, the amount paid by the county cannot be included by the department in its reimbursement rate determination, as long as the amount paid is not greater than the provider's actual and allowable costs or the statewide average of actual and allowable costs as identified in annual appropriations, whichever is less.

441—152.3(234) Provider reviews. The department may, at its discretion, review any provider at any time. Records generated and maintained by the department or its fiscal agent may be used by reviewers and in all proceedings of the department.

152.3(1) *Review of provider records.* The department has the authority to conduct a scheduled or unannounced visit to evaluate the adequacy of service records in compliance with the policies and procedures for foster care services.

152.3(2) *Purpose.* Upon proper identification, authorized representatives of the department have the right to review the service and fiscal records of the provider to determine whether:

a. The department has accurately paid claims for services.

b. The provider has furnished the services.

c. The provider has retained service records and fiscal records that substantiate claims submitted for payment during the review period.

d. Expenses reported to the department have been handled as required under subrule 152.2(6).

152.3(3) *Method.* The department will select the appropriate method of conducting a review and will protect the confidential nature of the records being reviewed. The provider may be required to furnish records to the department. The provider may select the method of delivering any requested records to the department. Review procedures may include but are not limited to the following:

a. Comparing service and fiscal records with each claim.

b. Interviewing clients and employees of providers.

152.3(4) *Sampling.* The department's procedures for reviewing a provider's service records may include the use of random sampling and extrapolation. When these procedures are used, all sampling will be performed within acceptable statistical methods, yielding not less than a 95 percent confidence level.

a. Findings. The review findings generated through the review procedure constitute prima facie evidence in all department proceedings of the number and amount of requests for payment as submitted by the provider.

b. Extrapolation. Findings of the sample will be extrapolated for the review period. The total of the payments determined to be in error in the review sample will be divided by the total payments in

the reviewed sample to calculate the percentage of dollars paid in error. This percentage will then be multiplied by the total payments in the review sample to determine the extrapolated overpayment.

c. Disagreement with findings. When the provider disagrees with the department's review findings and the findings have been generated through sampling and extrapolation, the provider may present evidence to show that the sample was invalid. The burden of proof of compliance rests with the provider. The evidence may include a 100 percent review of the provider records used by the department in the drawing of the department's sample. This review shall:

(1) Be arranged and paid for by the provider.

(2) Be conducted by a certified public accountant.

(3) Demonstrate that bills and records not reviewed in the department's sample complied with program regulations and requirements.

(4) Be submitted to the department with all supporting documentation.

152.3(5) *Actions based on review findings.*

a. The department will report the results of a review of provider records to concerned parties consistent with the provisions of 441—Chapter 2505.

b. When an overpayment is found, the department may do one or more of the following:

(1) Request repayment in writing.

(2) Impose sanctions provided for in rule 441—152.4(234).

(3) Investigate and refer the matter to an agency empowered to prosecute.

441—152.4(234) Sanctions against providers. Failure to meet the requirements relevant to provider contracting, financial recordkeeping, billing and payment, and client recordkeeping may subject providers to sanctions.

152.4(1) *Grounds for sanction.* The department may impose sanctions against a provider for committing one or more of the following actions:

a. Failing to provide and maintain the quality of the services to children and families within established standards, including:

(1) Failing to meet standards required by state or federal law for licensure.

(2) Failing to correct deficiencies in provider operations after receiving notice of these deficiencies from the department.

(3) Engaging in a course of conduct or performing an act that is in violation of state or federal regulations or continuing that conduct following notification that it should cease.

(4) Violating any laws, regulations, or code of ethics governing the conduct of occupations or professions subject to this chapter.

(5) Receiving a formal reprimand or censure by an association of the provider's peers for unethical practices.

(6) Being suspended or terminated from participation in another governmental program.

(7) Committing a negligent practice resulting in client death or injury.

b. Failing to disclose or make available to the department or its authorized agent records of services provided to a child and family and records of payments made for those services.

c. Failing to provide accurate and auditable cost report information or engaging in deceptive billing practices, such as:

(1) Presenting or causing to be presented for payment any false or deceptive claim for services.

(2) Submitting or causing to be submitted false information for the purpose of obtaining greater compensation than that to which the provider is legally entitled.

d. Submitting or causing to be submitted false information to meet service authorization requirements.

e. Inducing, furnishing or otherwise causing the child or family to receive foster care services that are not authorized (overutilization of services).

f. Rebating or accepting a fee or portion of a fee or a charge for referrals of a child or family.

g. Failing to repay or arrange for the repayment of identified overpayments or other erroneous payments.

h. Failing to submit the cost report on time or failing to submit complete responses to follow-up questions from the department or its fiscal consultant within 14 days of request without written approval from the department.

152.4(2) *Notice of violation.*

a. Should the department have information that indicates a provider may have done the following, the department will notify the provider of the discrepancies noted.

(1) Submitted bills or been practicing in a manner inconsistent with the program requirements, or

(2) Received payment for which the provider may not be properly entitled.

b. Notification to the provider will set forth:

(1) The nature of the discrepancies or violations.

(2) The known dollar value of the discrepancies or violations.

(3) The method of computing the dollar value.

(4) Further actions to be taken or sanctions to be imposed by the department.

(5) Any actions required of the provider.

152.4(3) *Sanctions.* The following sanctions may be imposed on providers based on the grounds specified in subrule 152.4(1):

a. A term of probation for provision of foster care services.

b. Termination from participation in the provision of foster care services.

c. Suspension from provision of foster care services.

d. Suspension or withholding of payments to the provider.

e. Review of 100 percent of the provider's claims before payment.

f. Referral to the appropriate state licensing board for investigation.

g. Referral of the matter to appropriate federal or state legal authorities for investigation and prosecution under applicable federal or state laws.

h. Suspension of foster care services licensure.

i. Termination of foster care services licensure.

j. Reduction of payment to 75 percent of the current rate for failure to submit the cost report or cost report clarifications timely.

k. Termination of the provider's contract for failure to submit the report within six months of the end of the fiscal year.

152.4(4) *Imposition and extent of sanction.* The department will determine the sanction to impose. The following factors will be considered in determining the sanction or sanctions to be imposed:

a. Seriousness of the offense.

b. Extent of violations.

c. History of prior violations.

d. Prior imposition of sanctions.

e. Prior provision of technical assistance.

f. Pattern of failure to follow program rules.

g. Whether a lesser sanction will be sufficient to remedy the problem.

h. Actions taken or recommended by peer review groups or licensing bodies.

152.4(5) *Scope of sanction.*

a. The sanction may be applied to all known affiliates of a provider. Each decision to include an affiliate will be made on a case-by-case basis after giving due regard to all relevant factors and circumstances. The violation, failure, or inadequacy of performance may be imputed to a person with whom the violator is affiliated when the conduct was committed in the course of official duty or was effectuated with the knowledge or approval of that person.

b. When there are grounds for sanction pursuant to subrule 152.4(1) against a provider facility, campus, or site, the department may suspend or terminate the provision of foster care services by:

(1) The provider; or

(2) The specific facility, campus, or site; or

(3) Any individual within the provider's organization who is responsible for the violation.

c. No provider shall submit claims for payments to the department for any services provided by any facility, campus, site, or person within the organization that has been suspended or terminated from provision of foster care services, except for those services provided before the suspension or termination.

d. Suspension or termination from provision of foster care services shall preclude the submission of claims to the department for payment for any services provided after suspension or termination, whether submitted personally or through the provider.

152.4(6) *Suspension or withholding of payments pending a final determination.* When the department has notified a provider of a violation and has demanded repayment of an identified overpayment, the department may withhold payments on pending and subsequently received claims in an amount reasonably calculated to approximate the amounts in question or may suspend payments pending a final determination. When the department intends to withhold or suspend payments, it will notify the provider in writing.

152.4(7) *Notice of sanction.* When a provider has been sanctioned, the department will notify, as appropriate, the applicable professional society, board of registration or licensure, and federal or state agencies of the findings made and the sanctions imposed.

441—152.5(234) Adverse actions. Notice of adverse actions shall be given in accordance with 441—Chapter 16. The right to appeal the licensing decision shall be given in accordance with 441—Chapter 2506.

These rules are intended to implement Iowa Code section 234.6.

RA 26-150

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 158
"Foster Home Insurance Fund"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 237.13
State or federal law(s) implemented by the rulemaking: Iowa Code section 237.13

Public Hearing

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

July 28, 2026 10 a.m.	Microsoft Teams Meeting ID: 291 340 678 349 357 Passcode: LT7oc32E

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 specifically relates to the Foster Home Insurance Fund established by Iowa Code section 237.13. The fund is established to provide reimbursement for any property damages caused by the acts of a foster child residing in a foster home. As a part of the Red Tape Review process laid out by Executive Order 10, the Department removed restrictive terms, streamlined duplicative information, and revised language to conform to modern procedures and practices.

Analysis of Impact

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

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

This proposed rulemaking does not have a cost to the public.

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

Eligible foster homes will benefit from these proposed rules by having clear requirements for what qualifies for reimbursement from the fund.

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 will help clarify what claims are eligible and how qualified foster homes can apply for reimbursement from the fund.

- **Qualitative description of impact:**

Foster homes will benefit from enhanced clarity on how to submit eligible claims from the fund.

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 enforcement of this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have an impact on State revenues.

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

The establishment of the fund and rules to implement it are mandated by Iowa Code chapter 237.

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 is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 158 and adopt the following **new** chapter in lieu thereof:

CHAPTER 158
FOSTER HOME INSURANCE FUND

441—158.1(237) Definitions.

"Foster family home" means the same as defined in Iowa Code section 237.1.

"Personal property" means any movable thing of value that is owned, rented, or leased by a person and not recognized as real property.

"Real property" means anything owned, leased, or rented that is permanently affixed to, or built upon, a piece of land. Real property is best characterized as property that does not move or that is attached to the land.

"Third-party property" means property belonging to any person or entity other than the foster family or foster child.

441—158.2(237) Payments from the foster home insurance fund.

158.2(1) Eligible foster family claims. The foster home insurance fund shall pay the following within the limits defined in Iowa Code section 237.13(1):

a. Valid and approved claims of a licensed foster family home.

b. Compensation to licensed foster families for personal or real property damage and auto physical damage as a result of the activities of the family foster care child. Coverage also extends to third-party property damages caused by actions of the family foster care child.

158.2(2) Non-property-based liability, bodily injury, sexual abuse or molestation, auto liability, and professional liability are not covered.

441—158.3(237) Payment limits. The fund is not liable for the first $150 per claim deductible per family. Each claim is limited to one incident/occurrence. The fund is not liable for damages in excess of $5,000 for all claims arising out of one or more occurrences during a fiscal year related to a single home. Claims for losses related to bedbugs or other insect infestations will have an annual sublimit set by the department.

441—158.4(237) Claim procedures. Claims against the fund are filed with the department's approved contractor. Claims shall be filed on the Foster Home Property Fund Notice of Loss form. The decision to approve or deny the claim will be made by the department. The claimant will be notified of the decision within 180 days of the date the claim is received.

158.4(1) *Time frame for filing claims.* Claims shall be submitted within six months of the date of the occurrence.

158.4(2) *Appeals.* Claimants dissatisfied with the decision may request a fair hearing under the provisions of 441—Chapter 2506.

These rules are intended to implement Iowa Code section 237.13.

RA 26-151

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: Rule 481—404.3(103)
"Electrical Inspection Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 103.6
State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.7

Public Hearing

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

July 28, 2026 10 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

Public Comment

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

Sheri Howard
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.779.3299
Email: sheri.howard@dia.iowa.gov

Purpose and Summary

This proposed rulemaking implements the adoption of a more recent edition of the National Fire Protection Association's (NFPA's) National Electrical Code, 2026 edition, in order to appropriately implement Iowa Code section 103.6(1)"a."

Analysis of Impact

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

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

The costs of the proposed rulemaking are necessary to ensure that projects are completed safely; the industry will bear those costs.

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

Uniformity in permitting and inspections, achieved through consistent processes and adoption of the NFPA National Electrical Code, benefits both the general public and members of the regulated industry. The public and businesses will benefit from the proposed rulemaking, which protects persons and property from the hazards arising from the use of electricity. Members of the industry will benefit from having clear standards, consistent with other jurisdictions, within which to work.

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:**

The costs of projects, when governed by the 2026 edition of the NFPA's National Electrical Code, vary greatly depending on factors such as the type of work being done, the size of the project, and the condition of any existing electrical work, among other factors.

- **Qualitative description of impact:**

With the adoption of the 2026 NFPA National Electrical Code, there is a benefit to both the public and the regulated industry in maintaining industry standards that are modern and in line with other jurisdictions. Notably, many other states, including the surrounding states of Minnesota and South Dakota, have adopted or are in the process of adopting the 2026 NFPA National Electrical Code.

3. **Costs to the State:**

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

There are no costs to the Department specifically associated with this rulemaking.

- **Anticipated effect on State revenues:**

There is no anticipated impact on State revenues.

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

Iowa Code section 103.6 requires that the Electrical Examining Board adopt rules as governed by the minimum standards set forth in the most recent publication of the National Electrical Code issued and adopted by the NFPA, establishing wiring standards that protect public safety and health and property and that apply to all electrical wiring that is installed pursuant to Iowa Code chapter 103. There are no specific financial costs to implement or enforce this rulemaking outside of any costs associated with the Board's and the Department's statutory duties. The costs of this rulemaking are directly associated with the Department's general functions, and this rulemaking does not add excess costs. The benefits of uniformity in permitting and inspections, achieved through consistent processes and adoption of the NFPA National Electrical Code consistent with neighboring jurisdictions, and statutory compliance are paramount.

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

There are no less costly or less intrusive methods for achieving the purpose of this rulemaking.

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

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

None were considered.

- **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?

The proposed rulemaking provides for consistency and uniformity in electrical inspections and standards and does not make accommodations for the size of business performing the installation work. If a small business identified a rule that is overly burdensome and the goals of which could be achieved in a manner that would reduce the impact on the small business, it could utilize the Board's established waiver process.

Text of Proposed Rulemaking

ITEM 1. Amend rule 481—404.3(103) as follows:

481—404.3(103) Installation requirements. The provisions of the National Electrical Code, ~~2023~~ 2026 edition, published by the National Fire Protection Association, are incorporated herein by reference as the requirements for electrical installations performed by persons subject to licensing and inspection pursuant to Iowa Code chapter 103 and rules promulgated thereunder.~~, with the following amendments:~~

~~**404.3(1)** Delete article 210.8(A), "Dwelling Units," and insert in lieu thereof the following new section:~~

~~"210.8(A) Dwelling Units.~~

~~All 125-volt, 15- and 20-ampere receptacles installed in the following locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel:~~

~~(1) Bathrooms~~

~~(2) Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use~~

~~(3) Outdoors~~

~~(4) Crawl spaces – at or below grade level~~

~~(5) Basements~~

~~(6) Kitchens~~

~~(7) Areas with sinks and permanent provisions for food preparation, beverage preparation, or cooking~~

~~(8) Sinks – where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink~~

~~(9) Boathouses~~

~~(10) Bathtubs or shower stalls – where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall~~

~~(11) Laundry areas~~

~~(12) Indoor damp and wet locations."~~

~~**404.3(2)** Delete article 210.8(D), "Specific Appliances," and insert in lieu thereof the following new section:~~

~~"210.8(D) Specific Appliances.~~

~~GFCI protection shall be provided for the branch circuit or outlet supplying the following appliances rated 150 volts or less to ground and 60 amperes or less, single- or 3-phase:~~

~~(1) Automotive vacuum machines~~

~~(2) Drinking water coolers and bottle fill stations~~

~~(3) High-pressure spray washing machines~~

~~(4) Tire inflation machines~~

~~(5) Vending machines~~

~~(6) Sump pumps~~

~~(7) Dishwashers~~

~~(8) Microwave ovens."~~

~~404.3(3)~~ ~~Delete article 210.8(F), "Outdoor Outlets."~~

RA 26-152

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 1023
"Certification of CPAs"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 147, 154, and 272C
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 542

Public Hearing

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

July 28, 2026	6200 Park Avenue
1 p.m.	Des Moines, Iowa

Public Comment

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

Jackson Boes
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.242.6514
Email: jackson.boes@dia.iowa.gov

Purpose and Summary

This proposed rulemaking sets minimum standards for entry into the accounting profession. Iowa residents, licensees, and employers benefit from the rulemaking because it articulates the processes by which individuals apply for licensure as a certified public accountant (CPA) in the State of Iowa, as directed in statute. This includes the process for initial licensure. These requirements ensure public safety by ensuring that any individual entering the profession has minimum competency. Requirements include the application process, minimum educational qualifications, experience, and examination.

Analysis of Impact

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

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

There is no direct cost to the general public, but there is a cost to the applicant. Complying with the minimum requirements to enter into the profession is at the expense of the licensee. The fee for an initial CPA license is $100, and the renewal fee is $50 in the State of Iowa.

The licensee would also have costs related to educational requirements and examination requirements. The Board has not identified an exact cost of education for this field because it varies depending on the school the licensee chooses to attend to meet those requirements.

There are no new anticipated costs to this rulemaking other than the costs already incurred by the Board to enforce the rules. Board staff review applications for initial and renewal licenses, answer

inquiries on licensing, and field phone calls. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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

The public and professionals will benefit from the proposed rulemaking. Establishing minimum licensing requirements ensures that practitioners are competent to practice. The benefit of additional pathways to licensure will outweigh any costs incurred by the 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:**

Members of the public would incur no costs other than payment for CPA services provided. CPAs would be responsible for ensuring they meet the requirements for licensure.

- **Qualitative description of impact:**

Establishing minimum requirements for licensure ensures safety for the licensee and consumer. The cost of inaction would be an increase in the potential for injury to the public by a licensee who is not qualified to perform the work in the field.

3. **Costs to the State:**

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

Costs to the agency are for the staff time needed to manage Board activities, which include oversight of licensing requirements. The Board does not anticipate any further costs than are already incurred. The time needed to manage this provision is generally in the form of responding to questions related to licensure requirements and processing applications. Staff salaries to support the work of the Board are covered by the fund.

- **Anticipated effect on State revenues:**

Costs associated with implementing this rulemaking are paid by individual licensees, not the State. There is no anticipated impact on State revenues.

Staff salaries to support the work of the board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards. The additional pathway to licensure means additional licensing fees coming into the fund that were not previously available.

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

The Board developed rules to clarify the licensing requirements for certified public accountants. Inaction would result in confusion regarding the new pathways to licensure and would be a detriment to those seeking licensure.

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

The Board does not believe there is a less costly or less intrusive method to achieve the purpose of this rulemaking.

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

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

The Board has not identified any alternative methods to carry out this rulemaking.

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

The Board has not identified a more cost-effective alternative to carry out this rulemaking.

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?

The proposed rulemaking relates to public safety concerns that are present whether the business is a small business or a large corporation. While some CPAs may work in a smaller firm, some work for large corporations. To exempt any small business from adhering to this chapter would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Rescind subrule 1023.3(1) and adopt the following **new** subrule in lieu thereof:

1023.3(1) A candidate will be deemed to have met the educational requirement of Iowa Code section 542.5 if the candidate has met one of the following conditions:

a. Earned 150 hours total of college and graduate education, including a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the board.

b. Earned 150 hours total of college and graduate education, including a baccalaureate or higher degree in accounting or business from a program that is accredited by an accrediting agency recognized by the board and completed at least 24 semester hours in accounting, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting. Such accounting hours exclude elementary accounting or principles of accounting, internships or life experience.

c. Earned 150 hours total of college and graduate education, including a baccalaureate or higher degree and completed the following hours from an accredited institution recognized by the board:

(1) At least 24 semester hours in accounting courses above elementary accounting or principles of accounting covering the subjects of financial accounting, auditing, taxation, and management accounting, not including internships or life experience; and

(2) At least 24 additional semester hours in business-related courses, not including internships or life experience. Elementary accounting or principles of accounting hours that do not qualify under subparagraph 1023.3(1)*"c"*(1) may apply toward business-related courses.

d. Earned 120 hours total of college education, including a baccalaureate degree in business or accounting from a program that is accredited by an accrediting agency recognized by the board and completed at least 24 semester hours in accounting courses covering the subjects of financial accounting, auditing, taxation, and management accounting. Such accounting hours exclude elementary accounting or principles of accounting, internships or life experience.

e. Earned 120 hours total of college education, including a baccalaureate or higher degree and completed the following hours from an accredited institution recognized by the board:

(1) At least 24 semester hours in accounting courses above elementary accounting or principles of accounting covering the subjects of financial accounting, auditing, taxation, and management accounting, not including internships or life experience; and

(2) At least 24 additional semester hours in business-related courses, not including internships or life experience. Elementary accounting or principles of accounting hours that do not qualify under subparagraph 3.3(1)*"e"*(1) may apply toward business-related courses.

NOTE: Quarter hours will be accepted in lieu of semester hours at a 3:2 ratio; that is, three quarter hours are equivalent to two semester hours. Subject to the above provision, internships and life experience hours may apply toward the total required 120 or 150 hours.

ITEM 2. Rescind subrule 1023.12(1) and adopt the following **new** subrule in lieu thereof:

1023.12(1) Experience.

a. An applicant seeking issuance of a certificate pursuant to paragraph 1023.3(1)*"a," "b,"* or *"c"* will have no less than one year of experience. One year of experience will consist of full- or part-time employment that extends over a period of no less than one year and no more than three years and includes no fewer than 2,000 hours of performance of services outlined in Iowa Code section 542.5(12). Experience may be gained in more than one employment situation, including an internship.

b. An applicant seeking issuance of a certificate pursuant to paragraph 1023.3(1)*"d"* or *"e"* will have no fewer than two years of experience. Two years of experience will consist of full- or part-time employment that extends over a period of no fewer than two years and no more than four years and includes no fewer than 4,000 hours of performance of services outlined in Iowa Code section 542.5(12). Experience may be gained in more than one employment situation, including an internship.

ITEM 3. Amend subrule 1023.12(3) as follows:

1023.12(3) All experience will be verified by a licensee with direct supervisory control over the applicant or by a licensee who can attest that the experience gained by the applicant meets the requirements of Iowa Code section ~~542.5(12)~~ 542.5(7) if the applicant is not supervised by a licensee.

RA 26-153

LAW ENFORCEMENT ACADEMY[501]

Regulatory Analysis

Notice of Intended Action to be published: 501—Chapter 2
"Minimum Standards for Law Enforcement and Reserve Officers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 80D
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 80D

Public Hearing

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

July 28, 2026 9 to 10 a.m.	7105 NW 70th Avenue Burma Road, Building A41 Johnston, Iowa Online: us06web.zoom.us/j/88688900677

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 28, 2026. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

Proposed Chapter 2 consolidates prior 501—Chapter 10 and describes the minimum standards that all law enforcement officers and reserve officers must meet before serving in a law enforcement capacity, as well as the hiring standards for certified officers with a break in law enforcement service or change in level of service. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Analysis of Impact

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

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

This proposed rulemaking does increase costs for law enforcement agencies because it requires psychological and cognitive evaluations for reserve officer applicants who were not previously required to meet any minimum standards before service.

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

This proposed rulemaking will benefit the public by ensuring that all law enforcement officers and reserve officers meet basic minimum standards before being able to serve in a law enforcement capacity since both law enforcement and reserve officers have similar legal authority over the public.

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:**

Iowa's law enforcement officers and reserve officers will benefit. All officers will have met basic minimum standards before serving in a law enforcement capacity, which will ensure a more professional and better equipped law enforcement force and be aligned with current law enforcement standards. This proposed rulemaking also consolidates Chapter 2 and prior 501—Chapter 10.

- **Qualitative description of impact:**

The public will benefit from a professional force of law enforcement and reserve officers who have met basic minimum standards and that is in alignment with current law enforcement standards. Creating greater public trust in the police force ultimately enhances safety, public cooperation, law enforcement efficiency, and officer well-being.

3. **Costs to the State:**

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

Law enforcement agencies will continue to bear the costs of cognitive and psychological testing of applicants entering the field, as they historically have borne this cost.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking streamlines Chapter 2 and consolidates the similar information from prior 501—Chapter 10. It creates identical minimum standards for both law enforcement and reserve officers who have nearly identical statutory authority.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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

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

No alternative methods were considered.

- **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?

The proposed rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
MINIMUM STANDARDS FOR LAW ENFORCEMENT AND RESERVE OFFICERS

501—2.1(80B,80D) Minimum hiring standards for non-Iowa certified law enforcement and reserve applicants. All non-Iowa certified law enforcement and reserve applicants must meet the following minimum standards before serving in a law enforcement capacity or attending a certifying course.

2.1(1) Be a United States citizen.

2.1(2) Be 18 years of age.

2.1(3) Hold a valid driver's license.

2.1(4) Not be addicted to drugs or alcohol. An individual who has been convicted of a crime involving drugs or alcohol within two years or who has been charged more than once of operating a motor vehicle while intoxicated (OWI) does not meet this standard.

2.1(5) Be of good moral character as determined by the background investigation approved by the academy. A person is not of good moral character when:

a. Legally prohibited from possessing a firearm.

b. Convicted or adjudicated delinquent of:

(1) A sex offense or any offense that could result in placement on the sex offender registry; or

(2) Any offense in which a dangerous or offensive weapon was used in the commission.

c. Convicted of a serious misdemeanor, or higher, that caused physical or emotional harm to another.

d. Convicted of possessing with the intent to deliver or manufacture, delivering, or manufacturing a controlled substance.

e. Convicted of a crime involving dishonesty. This provision excludes convictions for:

(1) Purchasing or possessing alcohol or tobacco while underage; or

(2) Unlawfully possessing or controlling a driver's license or nonoperator ID card while under 21 years of age.

f. Charged with a felony regardless of disposition.

g. Engaged in any act of domestic violence or other domestic abuse, including other offenses or lesser included offenses stemming from domestic abuse.

h. Engaged in any act involving threats, harassment, or stalking of another person.

i. Placed on the child or dependent adult abuse registries.

2.1(6) Be free of personal conscience or belief that would oppose the use of reasonable force, including deadly force, when necessary for law enforcement duties.

2.1(7) Be eligible to secure a professional permit to possess a firearm.

2.1(8) Possess a high school diploma, general education development (GED), high school equivalency diploma (HSED), or a home school certificate of completion.

2.1(9) Have vision of, or corrected to, 20/20 and pass a color vision test without the aid of color corrective lenses as determined by a qualified licensed provider. As determined through testing, individuals with anomalous trichromatism or monochromasy color vision are not eligible to be hired as law enforcement officers.

2.1(10) Have normal hearing, or aided hearing that meets the hearing standard, in each ear as determined by a qualified licensed provider.

a. Normal hearing. Hearing is normal when, tested by an audiometer, hearing sensitivity thresholds are within 25 dB measured at 500 Hz, 1,000 Hz, 2,000 Hz and 3,000 Hz averaged together.

b. *Aided hearing.* An individual who fails to meet the hearing standard will have an evaluation by a qualified licensed provider to determine if the individual meets the hearing standard with the use of a prescribed hearing aid. The hearing standard is met if the individual demonstrates pure tone average of 25 dB hearing loss aided and is determined to have acceptable functional hearing.

2.1(11) Have not had any of the following occur:

a. A revocation or suspension of a certification or license;

b. Any action taken impacting a certification or license;

c. Denial of a path to certification or license; or

d. Dismissal from a basic training program due to a violation of the program handbook or an academic or skill failure.

2.1(12) Have not been charged with any criminal offense while certified or licensed as a law enforcement or reserve officer.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and *"f"* and 80D.2.

501—2.2(80B,80D) Minimum standards of physical fitness, cognitive, and psychological testing for non-Iowa certified law enforcement and reserve applicants. All non-Iowa certified law enforcement and reserve applicants must meet the following minimum testing standards before serving in a law enforcement capacity or attending a certifying course:

2.2(1) Physical fitness. Achieve a passing score on a physical fitness test approved by the council for certification.

2.2(2) Cognitive test.

a. Achieve a validated, passing score on a cognitive test approved by the council.

b. The cognitive test is administered by an approved academy proctor or by the academy consistent with the testing protocols detailed by the cognitive test.

c. A cognitive test score is valid for one year from the date of testing.

2.2(3) Psychological test.

a. Be determined to be psychologically suitable based on a psychological test approved by the council.

b. Tests will be ordered through the academy and the orders forwarded to an approved psychologist selected by the agency.

c. The psychologist will review the background investigation, the score report, any prior evaluations, and, if indicated, will complete a clinical interview.

d. The psychologist will return the clinic results form and evaluation directly to the academy.

e. A psychological test outcome specific to a position as a law enforcement or reserve officer stands for one year from the date of testing unless stated otherwise.

f. An applicant may request one second opinion from a psychological test that results in a not suitable determination. To be valid, the second opinion will be provided by an approved psychologist who has reviewed the background investigation, the score report, any prior evaluations, and the report from which the second opinion is requested.

2.2(4) Approval process for psychologists.

a. A psychologist will submit the academy's application for approval providing evidence of all of the following:

(1) A valid Iowa license to practice psychology and at least five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including three full-time years of post-doctoral experience;

(2) Approval as a qualified user by the assessment source; and

(3) Competence to conduct pre-employment psychological screenings of officers consistent with the guidelines set forth in the police psychological services section of the international association of chiefs of police.

b. To maintain approval, a psychologist will complete at least eight hours of continuing education annually related to pre-employment officer psychological evaluations and provide

verification to the academy upon request. Psychologists may choose from activities approved by the academy or traditional continuing education, with at least 40 percent of the hours completed through nontraditional continuing educational programming.

2.2(5) Test administration.

a. The academy will have prescheduled cognitive and psychological testing dates. Nonscheduled testing may also be provided.

b. Cognitive or psychological test results will be provided by the academy to a hiring authority upon request as long as the applicant is not the hiring authority.

2.2(6) Cost of tests. The academy will establish and post fee schedules for testing services.

2.2(7) Test integrity.

a. Any issues related to testing integrity must be immediately reported to the director.

b. Test integrity violations will result in the invalidation of scores, the revocation of proctor status, and the revocation of academy approval for test administration.

This rule is intended to implement Iowa Code sections 80B.11(1)*"f"* and *"g"* and 80D.2.

501—2.3(80B,80D) Status forms.

2.3(1) *Report of hire.* The academy will be provided with a fully completed report of hire once all requirements have been met. Upon receipt of the signed attestation, the hiring authority will be notified if the hire meets minimum hiring standards.

2.3(2) *Notice of election.* Consistent with Iowa Code chapter 80B and section 331.651(2)*"c,"* the academy will be provided with a fully completed notice of election prior to a sheriff taking office. Upon confirmation by the academy that minimum standards have been met, the sheriff will be notified that the sheriff's Iowa peace officer certification is approved for service.

2.3(3) *Separation.* The academy will be provided with the approved form within ten days of separation.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "f,"* and *"g"*; 80B.13A(4); 80D.2; and 331.651(2)*"c."*

501—2.4(80B,80D) Minimum hiring standards for an individual with an Iowa law enforcement or reserve certification. An individual with an Iowa law enforcement or reserve certification must meet the following minimum standards before using the individual's certification when moving to a new or additional law enforcement agency.

2.4(1) If the break from Iowa law enforcement service is 180 days or less, complete a timely report of hire attesting there has not been a break in service of more than 180 days.

2.4(2) If the break from Iowa law enforcement service is more than 180 days but less than one year:

a. Be of good moral character as determined by a background investigation approved by the academy; and

b. Complete a psychological suitability evaluation consistent with the protocols detailed in rule 501—2.2(80B,80D).

2.4(3) If the break from Iowa law enforcement service is between one and three years:

a. Complete the requirements of rule 501—2.1(80B,80D) and paragraph 2.4(2)*"b"*; and

b. Complete all required professional development training requirements of subrule 4.1(4).

2.4(4) If the break from Iowa law enforcement service is longer than three years:

a. Complete the requirements of subrule 2.4(3); and

b. Complete an in-person skills course at the academy within one year of hire.

2.4(5) A certified officer who left active Iowa law enforcement service to work at the academy will not be deemed to have a break in service if the individual complies with all annual professional development requirements beginning January 1, 2027, during the officer's employment at the academy.

This rule is intended to implement Iowa Code sections 80B.11(1)*"b," "f,"* and *"g"* and 80D.2.

501—2.5(80B) Minimum hiring standards for an Iowa-certified reserve officer applying to become a law enforcement officer. A certified reserve officer who has not previously met the requirements of rules 501—2.1(80B,80D) and 501—2.2(80B,80D) must meet the minimum requirements of both rules before serving as a law enforcement officer.

This rule is intended to implement Iowa Code section 80B.11(1)*"b," "f,"* and *"g."*

501—2.6(80B,80D) Officers in agencies under intergovernmental agreements. A jurisdiction entering into an intergovernmental agreement under the provisions of Iowa Code chapter 28E for the sharing of law enforcement services and officers does not need to verify minimum hiring standards for law enforcement personnel if an agreement is filed and recorded as required by Iowa law and a certified copy is provided to the director. Minimum hiring standards must be met when a unified law enforcement district is established as defined in Iowa Code section 28E.21.

This rule is intended to implement Iowa Code sections 80B.11(1)*"i"* and 80D.1(1).

501—2.7(80B,80D) Higher standards permitted. Although an individual may not serve in a law enforcement capacity without meeting these minimum standards, civil service commissions or agencies may establish additional standards.

This rule is intended to implement Iowa Code sections 80B.11(1)*"i"* and 80D.2.

RA 26-154

LAW ENFORCEMENT ACADEMY[501]

Regulatory Analysis

Notice of Intended Action to be published: 501—Chapter 3
"Certification of Law Enforcement and Reserve Officers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 80D
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 80D

Public Hearing

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

July 28, 2026
9 to 10 a.m.

7105 NW 70th Avenue
Burma Road, Building A41
Johnston, Iowa
Online: us06web.zoom.us/j/88688900677

Public Comment

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

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

Proposed Chapter 3 describes the certification standards and timelines for law enforcement officers and reserve officers, the various pathways to obtain certification and eligibility requirements for each, and the curriculum for each pathway. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Analysis of Impact

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

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

The costs for this proposed rulemaking will be borne by law enforcement agencies and officers seeking certification as set forth by Iowa Code section 80B.11B.

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

This proposed rulemaking will benefit law enforcement officers and reserve officers because the pathways and requirements for certification will be clearly identified. The curriculum standards are also tied to a regularly reviewed job task analysis, ensuring that Basic Academy training will continue to meet the needs of Iowa law enforcement as standards change.

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:**

Iowa's law enforcement officers and reserve officers will benefit from the multiple paths to certification and from clarification of the certification requirements for each pathway. The standardized requirements will also ensure a more professional and better equipped law enforcement force regardless of the location of an individual officer's training.

- **Qualitative description of impact:**

The public will benefit from a professional force of law enforcement and reserve officers who have met standardized training requirements and that is in alignment with current law enforcement standards. Creating greater public trust in the police force ultimately enhances safety, public cooperation, law enforcement efficiency, and officer well-being.

3. **Costs to the State:**

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

Officers and law enforcement agencies will continue to bear the costs of law enforcement training, which they historically have borne.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking streamlines Chapter 3 and identifies the eligibility factors and curriculum requirements for each pathway to certification. The rulemaking creates identical training standards for officers regardless of their training location.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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

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

No alternatives were considered.

- **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?

The proposed rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
CERTIFICATION OF LAW ENFORCEMENT AND RESERVE OFFICERS

501—3.1(80B,80D) Certification timeline for law enforcement and reserve officers.

3.1(1) *Certification.* All law enforcement and reserve officers must be certified through the successful completion of training through a certifying course in order to remain eligible for employment. Officers must be certified within one year of their initial employment.

a. A person elected or appointed sheriff must complete a basic training course as provided by Iowa Code section 331.651(2)*"c"* within one year of taking office.

b. A sheriff who does not complete the physical training requirements will be awarded a qualification for service in the county in which the sheriff was elected or appointed upon completion of the basic training course.

3.1(2) *Extension of time.* The council may, at its discretion, extend the one-year time period in which an officer must become certified for up to 180 days after a showing of undue hardship by the officer or the officer's hiring or appointing authority. Extensions will not be liberally granted and will only be granted after a showing that all other alternatives to an extension have been considered and rejected.

3.1(3) *Automatic extension.* The one-year time period in which a law enforcement officer must become certified is automatically extended for 180 days for an officer who is enrolled in basic academy training within 12 months of initial appointment. For purposes of this subrule, "enrolled" means physically present in and currently attending a certifying course.

3.1(4) *Time calculation.* The time period within which a person must obtain certification as a law enforcement or reserve officer begins on the day a person is first employed as a law enforcement officer or appointed as a reserve officer in the state of Iowa. Subsequent changes to employment status, including transfers to a different employing or appointing authority, will not toll or otherwise extend the certification period.

3.1(5) *Failure to obtain certification.* Should a person employed as a law enforcement or reserve officer fail to obtain certification within the time period or any extensions allowed, that person will not be eligible for employment as and will not serve as a law enforcement or reserve officer in the state of Iowa for a period of not less than 12 months. The period of ineligibility begins on the date the person last worked as a law enforcement officer or reserve officer.

This rule is intended to implement Iowa Code sections 80B.11(1)*"b,"* 80B.17, 80D.4, 80D.4A, and 331.651(2).

501—3.2(80D) State certification for reserve officers appointed prior to July 1, 2007. If a reserve officer appointed prior to July 1, 2007, with agency certification only transfers to another agency, the reserve officer will be considered a new reserve officer and subject to the 12-month training requirement and minimum hiring standards for state certification.

This rule is intended to implement Iowa Code section 80D.3(3)*"b."*

501—3.3(80B,80D) Minimum standards for certifying courses. The level I and level II academies will meet the requirements of nondegree programs under the federal veterans educational assistance Acts.

3.3(1) The standard certifying courses at an approved law enforcement training facility are:

a. Level I academy, consisting of at least 640 hours, with a minimum of 224 hours practical application including real world scenario-based training led by approved instructors or delivered through academy-approved online training modules; and

b. Level II academy, consisting of at least 440 hours, with a minimum of 154 hours practical application including real world scenario-based training led by approved instructors or delivered through academy-approved online training modules.

3.3(2) Alternative certifying courses at an approved law enforcement training facility consist of written assessments and skills proficiency led by approved instructors, including:

a. Certification through examination (out-of-state reciprocity);

b. Military or federal reciprocity; and

c. Reserve officer training.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "b," "d,"* and *"e"*; 80D.4A; and 80B.11B(4).

501—3.4(80B) Minimum standards for Iowa law enforcement certification upon completion of level I or level II academy. An individual will meet all of the following minimum standards to earn an Iowa law enforcement officer certification upon completion of a level I academy or a level II academy:

3.4(1) Successfully complete 100 percent of the course curriculum hours unless otherwise approved in advance by the director;

3.4(2) Attain an average of 70 percent or greater on academic examinations;

3.4(3) Successfully complete the firearms curriculum, including a qualifying score of not less than 80 percent on three of four handgun qualification courses of fire, the approved low-light handgun course of fire, the approved shotgun course of fire, and three of four rifle courses of fire;

3.4(4) Successfully complete the vehicle operations curriculum, including all courses and scenarios;

3.4(5) Successfully complete the defensive tactics curriculum, including all evaluations of techniques and scenarios;

3.4(6) Actively participate and progress in the physical training program and pass the physical training test at the required standard;

3.4(7) Actively participate in all practical skills applications; and

3.4(8) Successfully complete all evaluated assignments, scenarios, and exercises.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "b," "d,"* and *"e"* and 80B.13(3).

501—3.5(80B) Minimum standards for Iowa law enforcement certification upon completion of a reciprocity course. An individual will successfully complete the standards in rule 501—3.4(80B), excluding subrule 3.4(6) and pass the physical training test at the required standard, in order to earn an Iowa law enforcement officer certification upon completion of a reciprocity course.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "b," "d,"* and *"e"* and 80B.13(3).

501—3.6(80B,80D) Minimum standards for Iowa certification for reserve officers. An individual will successfully complete the standards in rule 501—3.4(80B), excluding subrules 3.4(3) and 3.4(6), to earn an Iowa reserve officer certification upon completion of the reserve officer course. Weapons certification(s) are issued consistent with rule 501—3.15(80D).

This rule is intended to implement Iowa Code sections 80B.13(3), 80D.3, 80D.4, and 80D.4A.

501—3.7(80B) Qualifications for attendance at level II academy. Individuals meeting the requirements of Iowa Code section 80B.11D(3) may apply for attendance at a level II academy. Approval may be granted when an individual obtains at least 20 credit hours dedicated to police science or criminal justice coursework in which a grade no lower than C- is reflected on the submitted transcript from which a degree is awarded within three years of applying. Individuals may also attend a level II academy if granted approval by the council after consideration of a reciprocity application under Iowa Code section 80B.11H(4).

This rule is intended to implement Iowa Code sections 80B.11(1)*"a,"* 80B.11D, and 80B.11H.

501—3.8(80B) Qualifications for out-of-state reciprocity. Law enforcement officers certified by another state may apply for out-of-state reciprocity or extended reciprocity. The council will consider evidence of meeting the requirements of Iowa Code section 80B.11F and information received by the council in granting approval of the application.

3.8(1) *Eligibility criteria.* The following minimum criteria will be met for the council to consider an applicant for certification through reciprocity:

a. Successful completion of a minimum 440-hour certifying basic law enforcement training course, for which certification has not been withdrawn or suspended by the certifying state.

b. One year of employment as a full-time certified law enforcement officer in the three-year period preceding the application.

3.8(2) *Application and testing periods.* Failure to apply for reciprocity prior to beginning employment in Iowa may result in the applicant being required to attend a standard certifying course.

3.8(3) *Extended reciprocity.* The council may authorize an individual meeting all reciprocity qualifications to complete an extended reciprocity course at the academy or an approved regional training center.

This rule is intended to implement Iowa Code section 80B.11F.

501—3.9(80B) Evaluation of applications for military or federal reciprocity. The council will evaluate an applicant's accredited police training by comparing training hours for each functional area of the academy's approved curriculum to those completed by the applicant via a training equivalency form. Course descriptions, lesson plans, curriculum overview, or any combination will be used to determine the equivalency comparison.

3.9(1) An applicant's failure to provide the necessary information for the council to determine equivalency for any training may result in credit being denied for that training.

3.9(2) An applicant approved for military or federal reciprocity will successfully complete the curriculum identified in rule 501—3.12(80B).

3.9(3) If an applicant is not approved for entry into the military or federal reciprocity program, or if requested by the applicant, the council will evaluate an applicant for entry into a level II academy based upon completed training and relevant experience to Iowa law enforcement practice.

This rule is intended to implement Iowa Code section 80B.11H.

501—3.10(80B) Training of a sponsored individual.

3.10(1) An individual not yet hired as an Iowa sworn officer will submit a complete application packet provided by the academy, with the established administrative fee, at least 30 days in advance of the start of the certifying course.

a. The fees to attend a standard certifying course at the academy will be collected as follows:

(1) 25 percent at the end of week one.

(2) 25 percent at the end of week two.

(3) 25 percent at the end of week three.

(4) The remaining fees are due by the end of the fourth week or the individual will be dismissed from the academy.

b. The fees to attend a certifying course at an approved law enforcement regional training center will be collected as determined by that entity.

3.10(2) Once employed by an Iowa law enforcement agency and having all minimum hiring requirements confirmed by the academy, the individual will complete firearms qualifications with their duty weapon at the academy.

3.10(3) Certification will be granted if, within 18 months of successful completion of the approved certifying course, the individual successfully completes the firearms qualification.

This rule is intended to implement Iowa Code sections 80B.11D and 80B.11E.

501—3.11(80B) Level I and level II curriculum. An academy-aligned training curriculum for a level I academy and level II academy will be initially approved by the director and confirmed by the council.

3.11(1) The curriculum will be derived from the academy's Iowa job task analysis not more than seven years old and includes:

a. Core concepts.

(1) American policing and community.

(2) Officer development and wellness.

(3) Investigative procedures.

(4) Legal knowledge and applications.

(5) Patrol procedures.

(6) Use of force.

b. Core skills.

(1) Communication and report writing.

(2) Life skills, including physical training, basic first aid, and interacting with people in crisis.

(3) Practical skills, including chemical spray, defensive tactics, firearms, vehicle operations, vehicle stops, and standardized field sobriety testing.

c. Core competencies.

(1) Critical thinking.

(2) Deliberation and decision making.

(3) Self-awareness and management.

(4) Observation and perception.

(5) Verbal influence and de-escalation.

3.11(2) Training will include course materials, written assignments, formative and summative assessments, and relevant performance tasks or practical exercises where recruits are assessed over a variety of criteria.

3.11(3) Changes to the council-approved curriculum or completion standards will be approved by the director and confirmed by the council.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a," "b," "d," "e"* and 80B.13(3).

501—3.12(80B) Reciprocity curriculum. An academy-aligned training curriculum for reciprocity will be initially approved by the director and confirmed by the council.

3.12(1) The curriculum will include:

a. Core concepts of legal knowledge and application.

b. Core skills to include firearms, standardized field sobriety testing, defensive tactics, vehicle operations, physical training, and basic first aid.

c. Core competencies from subrule 3.11(1)*"c."*

3.12(2) Training will include course materials, formative and summative assessments, and relative performance tasks or practical exercises where officers are assessed over a variety of criteria at an in-person skills week at the academy.

3.12(3) Changes to the council-approved curriculum or completion standards will be approved by the director.

This rule is intended to implement Iowa Code sections 80B.11F(2), 80B.11H, and 80B.13(3).

501—3.13(80B,80D) Reserve officer curriculum.

3.13(1) An academy-aligned training curriculum for reserve officers will be initially approved by the director and confirmed by the council. The curriculum will include the following.

a. Core concepts from subrule 3.11(1)*"a."*

b. Core skills from subrule 3.11(1)*"b,"* excluding training for any identified weapons the reserve officer will not be certified to carry.

c. Core competencies from subrule 3.11(1)*"c."*

3.13(2) Training will include course materials, written assignments, formative and summative assessments, and relative performance tasks or practical exercises where officers are assessed over a variety of criteria.

This rule is intended to implement Iowa Code sections 80B.13(3), 80D.3, 80D.4, 80D.4A, and 80D.7.

501—3.14(80B,80D) Special certification. In consideration of the varying factors and special requirements of law enforcement agencies, special certifying training courses may be initially developed and approved by the director and confirmed by the council.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and *"b"*; 80B.13(1); 80B.13(3); 80B.13(5); 80D.4; and 80D.4A.

501—3.15(80B,80D) Weapons certification.

3.15(1) Weapons training is not required for any weapons a reserve officer is not authorized to carry. The process to apply for a weapons certification from the council is as follows:

a. The reserve officer will submit an application for weapons certification on the approved form to the council

b. The director will grant initial approval, which will be confirmed by the council, upon completion of reserve officer training consistent with Iowa Code section 80D.7.

c. The application will include confirmation that the applicant is of good moral character as defined in 501—subrule 2.1(5).

3.15(2) Certified law enforcement officers may be certified to carry weapons as reserve officers without repeating the required weapons training under the following conditions:

a. The academy has approved the report of hire.

b. Confirmation that the officer has successfully completed the training curriculum for each weapon for which approval is requested.

c. An officer seeking approval for firearms will also provide the following:

(1) Confirmation that the officer has fired a qualifying score of 80 percent or higher on an academy-approved course of fire within the past 12 months that was conducted by another officer having a firearms instructor endorsement; and

(2) Confirmation that firearms training was successfully completed under the officer's Iowa certifying course, and

(3) Confirmation that the individual is serving as a law enforcement officer for another department at the time of appointment as a reserve officer, or served as a law enforcement officer within 12 months immediately preceding appointment as a reserve officer.

3.15(3) A certified reserve officer with a weapons certification transferring to a new law enforcement agency with a less than 180-day break in service will complete an application to carry weapons for the new agency and file the application with the academy within 30 days of the transfer. Failure to timely complete the weapons application will require weapons certification training and qualification.

3.15(4) A certified reserve officer with a break in service greater than 180 days will complete weapons certification training and provide confirmation as provided in paragraph 3.15(2)*"b."*

3.15(5) A reserve officer serving more than one Iowa law enforcement agency at the same time will be certified by the council to carry weapons for each agency in compliance with Iowa Code section 80D.7. The reserve officer need not complete weapons training for each agency, but all agencies will maintain duplicate training records for the reserve officer.

This rule is intended to implement Iowa Code sections 80B.13(3), 80D.3, 80D.4, 80D.4A, and 80D.7.

501—3.16(80B,80D) More extensive certifying course curricula not prohibited. Approved local and area schools and regional training centers may exceed the approved curriculum.

This rule is intended to implement Iowa Code sections 80B.11, 80B.11F, 80B.11H, 80D.4, and 80D.4A.

RA 26-155

LAW ENFORCEMENT ACADEMY[501]

Regulatory Analysis

Notice of Intended Action to be published: 501—Chapter 6
"Code of Professional Conduct"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 80D
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 80D

Public Hearing

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

July 29, 2026 9 to 10 a.m.	7105 NW 70th Avenue Burma Road, Building A41 Johnston, Iowa Online: us06web.zoom.us/j/89576540945

Public Comment

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

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

Proposed Chapter 6 describes the process for licensing investigations, the ethical standards for licensed law enforcement and reserve officers, and possible licensing sanctions for violations of those ethical standards. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Analysis of Impact

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

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

The costs for this proposed rulemaking will be borne by the Iowa Law Enforcement Academy Council through the Academy because the Council is statutorily mandated with investigating and disciplining breaches of ethical conduct.

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

This proposed rulemaking will benefit law enforcement officers and reserve officers because the process for licensing investigations and ethical obligations for officers are clearly identified. The public will also benefit from the law enforcement community being held to high ethical standards as they enforce the law.

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:**

Iowa's law enforcement officers and reserve officers will benefit from a clear ethical code that establishes public trust, reduces misconduct, and increases officer safety through enhanced community legitimacy.

- **Qualitative description of impact:**

The public will benefit from a professional force of law enforcement and reserve officers who have a strong ethical code to guide their decision making in high-stress or complex situations and ensure accountability at all levels. Creating greater public trust in the police force ultimately enhances safety, public cooperation, law enforcement efficiency, and officer well-being.

3. **Costs to the State:**

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

The Council, through the Academy, will continue to bear the costs of enforcing the ethical code as it historically has.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking streamlines Chapter 6 and clearly separates law enforcement employment from behaviors that violate the ethical code. The ethical code is written in clear language to ensure officers have a clear understanding of unacceptable conduct.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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

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

No alternative methods were considered.

- **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?

The proposed rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
CODE OF PROFESSIONAL CONDUCT

501—6.1(80B,80D) Authority. The council has the authority to impose discipline for any violations of Iowa Code chapter 80B or the rules promulgated thereunder.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.2(80B,80D) Complaints. The council may, upon receipt of a notice of separation, upon receipt of a written or verbal complaint, or upon its own action, review and investigate alleged acts or omissions that may violate the council's rules or that are related to the professional conduct of a certified officer. In instances where it is unclear if there is a potential violation, the director has the authority to conduct a preliminary inquiry to determine the existence or nonexistence of potential violations.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.3(80B,80D) Report of disciplinary actions or convictions. An officer will report any disciplinary action taken by a certifying authority in another state or jurisdiction and any criminal conviction for a serious misdemeanor or above to the council within 30 days of the date of occurrence.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.4(80B,80D) Report of mandatory code of professional conduct violations. An agency administrator who has knowledge of a rule violation subject to a mandatory revocation under subrule 6.7(1) or a finding that an officer is not suitable or fit for law enforcement under paragraph 6.7(2)*"h"* will file a report with the council. The report will include the name and contact information of the officer and the date, time, and place of the incident.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.5(80B,80D) Investigation of complaints or reports. The council's investigatory staff may request additional information, solicit a response from the officer, subpoena records, conduct interviews, gather evidence, and perform other investigatory duties to sufficiently conduct a licensing investigation.

6.5(1) *Confidentiality of investigative files.* Complaint, report, and investigative files in the possession of the council or its agents that relate to officer discipline are confidential under Iowa Code section 80B.13A(5).

6.5(2) *Council consideration.* The council will consider all investigations and may take any of the following actions.

a. Administrative closure. If a determination is made that the case is without merit, the council may close the case without further investigation.

b. Further inquiry. If a determination is made to order further inquiry, the council will return the investigation to the investigator with a statement specifying the information requested.

c. Finding of no probable cause. If a determination is made that the evidence does not substantiate a violation of the code of professional conduct, the council may find it does not have probable cause to proceed and close the case.

d. Accepting the case. If a determination is made that probable cause exists to conclude the code of professional conduct has been violated, the council may direct the academy's counsel to negotiate a combined statement of charges and settlement agreement or to file a statement of charges on behalf of the council. In determining whether to pursue formal discipline, the council may consider:

(1) Whether the alleged violation was an isolated incident;

(2) Whether the alleged violation was serious enough to warrant a hearing by the council;

(3) Whether there is sufficient evidence to support the complaint; or

(4) Whether adequate steps have been taken to remedy the violation and to ensure that incidents of a similar nature do not occur in the future.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.6(17A,80B,80D) Issuance of investigatory subpoenas.

6.6(1) *Issuance.* The director may issue investigatory subpoenas on behalf of the council, in accordance with the provisions of Iowa Code section 17A.13, for evidence that is necessary for the council to decide whether to initiate a contested case proceeding.

6.6(2) *Contents of subpoena.* Each subpoena will contain:

a. The name and address of the person to whom the subpoena is directed;

b. A description of the books, papers, records, or other real evidence requested;

c. The date, time, and location for production or inspection and copying;

d. The deadline for a motion to quash or modify the subpoena to be filed;

e. The signature, address, and telephone number of the director;

f. The date of issuance;

g. A return of service.

6.6(3) *Motion to quash or modify.* A person can challenge the subpoena by filing a motion to quash that describes the legal justification for the motion and includes a legal brief or factual affidavits within 14 days after service of the subpoena.

6.6(4) *Timely filing of motion.* Upon receipt of a timely filed motion to quash or modify a subpoena, the council will issue a decision. The council may quash or modify the subpoena, deny the motion, or issue an appropriate protective order.

6.6(5) *Judicial review.* If the person contesting the subpoena is not the person under investigation, the council's decision is final for purposes of judicial review. If the person contesting the subpoena is the person under investigation, the council's decision is not final for purposes of judicial review until either:

a. The person is notified that the investigation has been concluded with no formal action, or

b. There is a final decision in the contested case.

This rule is intended to implement Iowa Code sections 17A.13, 80B.11(1)*"h,"* 80B.13(9), 80B.13A, and 80D.4A.

501—6.7(80B,80D) Code of professional conduct.

6.7(1) *Mandatory revocation.* The council must revoke a law enforcement officer or reserve officer's certification for:

a. A conviction for a felony or an offense that would be a felony if committed in Iowa;

b. Manufacturing, selling, or conspiring to manufacture or sell an illegal drug other than as an authorized act in connection with official duties;

c. A conviction for a misdemeanor crime of domestic violence or other domestic abuse including other offenses or lesser included offenses stemming from domestic abuse;

d. A conviction for any offense classified as a tier I, tier II, or tier III sex offense in Iowa Code chapter 692A or an offense that would be classified as a sex offense subject to registry placement if committed in Iowa;

e. Being discharged for serious misconduct, as defined by Iowa Code section 80B.13A(1)*"b,"* from employment as a law enforcement officer or from appointment as a reserve officer;

f. Leaving, voluntarily quitting, or being laid off when a disciplinary investigation or action was imminent or pending that could have resulted in the law enforcement officer being discharged or the reserve officer being removed for serious misconduct;

g. A conviction for any offense under prior laws of this state or another jurisdiction that is comparable to an offense listed in paragraphs 6.7(1)*"a"* through *"d."*

6.7(2) *Discretionary revocation.* The council, at its discretion, may revoke or suspend a law enforcement officer or a reserve officer's certification for the following.

a. Fraud in procuring a certification. Fraud in procuring a certification is falsifying or omitting any material information to obtain certification.

b. Dishonorable conduct. Dishonorable conduct is conduct that lacks integrity, betrays public trust, and brings discredit to the profession whether committed on duty or off, in this state or elsewhere. Dishonorable conduct includes but is not limited to:

(1) Criminal conduct whether charged or not. A conviction for a crime is conclusive evidence of dishonorable conduct but is not required.

(2) Sexual misconduct while on duty.

(3) An inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, defendant, or informant in an ongoing investigation or case.

(4) Unauthorized use or unlawful conversion of the employing agency's property, equipment, or funds.

(5) Intentional and unauthorized disclosure of confidential information or information that may compromise an official investigation.

(6) Harassment or intimidation.

c. Dishonesty. Dishonesty includes making an untrue, misleading, deceptive, or fraudulent verbal or written communication, whether in connection with official duties or not. Proof of actual injury does not need to be shown.

d. Under the influence on duty. Presenting for duty or being on duty while under the influence of, possessing, using, or consuming alcohol, illegal or unauthorized drugs, or abusing legal drugs other than in connection with official duties.

e. Employing agency recommendation. Receiving a recommendation that revocation or suspension of the law enforcement officer or reserve officer's certification would be appropriate from the officer's current or former employing agency. The recommendation will be in writing and will set forth the reasons why the action is being recommended, the findings of the employing agency concerning the matter, the action taken by the employing agency, and that the action by the agency is final.

f. Attorney general recommendation. Receiving a recommendation that revocation or suspension of the law enforcement officer or reserve officer's certification would be appropriate from the attorney general pursuant to Iowa Code section 13.12.

g. Discipline. Failing to notify the council within 30 days after a criminal conviction of a serious misdemeanor or above or a final decision entered by the licensing authority of another state, territory, or country which decision resulted in a certification revocation, suspension, or other disciplinary sanction even if such action was taken voluntarily.

h. Not suitable or fit for law enforcement. Being found not suitable or fit for law enforcement service on a psychological evaluation or the inability of an officer to practice with reasonable skill and safety by reason of mental or physical impairment.

i. Professional development compliance. Failing to comply with the requirements of 501—Chapter 4 relative to professional development.

j. Mandatory report. Failing to file a report with the council concerning the acts or omissions committed by another officer in violation of rule 501—6.4(80B,80D).

k. Council order. Failing to comply with a council order.

l. Child support obligations. Failing to comply with 501—Chapter 7 concerning child support obligations.

m. State or local debt. Failing to comply with 501—Chapter 7 concerning payment of debt to state or local governments.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, 80D.4A, 252J.8, 252J.9, 272D.8, and 252D.9.

501—6.8(80B,80D) Nondisciplinary relinquishment of certification. A certified law enforcement officer or reserve officer may voluntarily relinquish their certification when a complaint is not pending or likely to be forthcoming. In relinquishing a certification, the officer must waive the right to a hearing before the council and notify the council of the intent to relinquish the certification. The council may issue an order accepting the nondisciplinary relinquishment. A nondisciplinary relinquishment is a permanent relinquishment of a certification.

This rule is intended to implement Iowa Code sections 80B.13 and 80D.4A.

501—6.9(17A,80B,80D) Settlement agreements.

6.9(1) *Combination agreements.* Upon a finding that probable cause exists to take public disciplinary action, the council and the officer may enter into a combined statement of charges and settlement agreement. Combination agreements are voluntary, and an officer is not entitled to be offered a combination agreement. A combination agreement will include a brief statement of the charges, the circumstances that led to the charges, and the terms of settlement. By electing to sign a combined agreement, the officer waives the right to a contested case hearing. A combined agreement is a public record under Iowa Code chapter 22.

6.9(2) *Contested case settlement.* Any contested case may be resolved by a settlement agreement prior to hearing.

6.9(3) *Settlement approval.* All settlements will be submitted to the council for approval. By signing the combination or settlement agreement, the officer authorizes the council's representative or the prosecuting attorney to have ex parte communications with the council related to the agreement.

6.9(4) *Disapproval of settlement.* If the council fails to approve a settlement, it will be of no force or effect to either party and will not be admissible at hearing. Upon rejecting a proposed agreement, the council may suggest alternative terms that the officer is free to accept or reject.

This rule is intended to implement Iowa Code sections 17A.10, 17A.17, 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.10(80B,80D) Reinstatement. A law enforcement officer or reserve officer whose certification has been suspended and wants to be reinstated must apply to the council for reinstatement once the terms and conditions of the order of suspension have been met. An officer whose certification has been revoked is not eligible for reinstatement.

6.10(1) All proceedings for reinstatement will be initiated by the law enforcement officer or reserve officer by filing an application for reinstatement with the council.

6.10(2) An application for reinstatement must allege facts that, if established, will be sufficient to enable the council to determine that the basis for the suspension of the officer's certification no longer exists and that it is in the public interest for the certification to be reinstated. The burden of proof to establish such facts will be on the officer.

6.10(3) An order denying or granting reinstatement that incorporates findings of fact and conclusions of law will be issued by the council. The council may grant reinstatement with or without conditions.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

RA 26-156

LAW ENFORCEMENT ACADEMY[501]

Regulatory Analysis

Notice of Intended Action to be published: 501—Chapter 8
"Local Schools, Area Schools, and Regional Training Centers"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 80D
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 80D

Public Hearing

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

July 29, 2026 9 to 10 a.m.	7105 NW 70th Avenue Burma Road, Building A41 Johnston, Iowa Online: us06web.zoom.us/j/89576540945

Public Comment

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

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

Proposed Chapter 8 describes the general provisions, applications processes, and responsibilities for local schools, area schools, and regional training centers. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Analysis of Impact

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

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

The costs for this proposed rulemaking will be borne by the entities desiring to act as a local school, area school, or regional training center. The Academy also has multiple staff who work with local schools, area schools, and regional training centers.

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

This proposed rulemaking will benefit local schools, area schools, and regional training centers because the application process and ongoing responsibilities are clearly identified.

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:**

Iowa's law enforcement community will benefit from the standardization of local schools, area schools, and regional training centers. Those entities will also benefit from clarification of the application process and ongoing responsibilities for their school or center.

- **Qualitative description of impact:**

The public will benefit from a professional force of law enforcement and reserve officers and jailers who have met standardized training requirements and that is in alignment with current law enforcement standards. Creating greater public trust in the law enforcement community ultimately enhances safety, public cooperation, law enforcement/jailer efficiency, and officer/jailer well-being.

3. **Costs to the State:**

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

Local schools, area schools, and regional training centers will continue to bear the costs of becoming and maintaining an approved school or center as they historically have.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking streamlines Chapter 8 and clarifies the role and process for local schools, area schools, and regional training centers. It creates identical training environments for officers and jailers regardless of their training location.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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

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

No alternatives were considered.

- **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?

The proposed rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
LOCAL SCHOOLS, AREA SCHOOLS, AND REGIONAL TRAINING CENTERS

501—8.1(80B,80D) General provisions.

8.1(1) *General standards.* All aspects of the local school, area school, or regional training center will be in compliance with these rules before any request from a school or regional training center is eligible for consideration.

8.1(2) *Course approval.* Each scheduled course will be approved by the council prior to the start of instruction.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and *"k,"* 80B.13(1), 80B.13(5), and 80D.4A.

501—8.2(17A,80B) Application for approval of local school for jailers.

8.2(1) *Application.* Applications for a local school for jailers will be accepted when a fully completed application is submitted to the council on the approved form.

8.2(2) *Evaluation considerations.* The council will consider standardization of training, academic qualifications (including but not limited to training schedule, curriculum, structure, instructor credentials, and experience), facilities and equipment, and any other relevant factors.

8.2(3) *Denial.* The council will issue a written decision if the application for the local school for jailers is denied within 90 days of receipt of the application.

8.2(4) *Appeal.* If the council denies an application for a local school for jailers, a written appeal may be filed according to rule 7—2506.28(17A) or Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.19, 80B.11(1)*"k,"* 80B.11A, 80B.13(1), and 80B.13(5).

501—8.3(17A,80B) Application for approval of area school for jailers.

8.3(1) *Application.* Applications for an area school for jailers will be accepted when a fully completed application is submitted to the council on the approved form.

8.3(2) *On-site inspection.* An inspection of a proposed area school may be conducted by designated members of the council, with or without advance notice to the school. Any visit will include inspection of facilities, equipment, training procedures, instructional materials, and program materials and discussion of the proposed training philosophy with key personnel.

8.3(3) *Informal hearing.* An application for an area school will be heard by the council within 90 days of the facility inspection or receipt of the complete application, whichever is later. The provisions in Iowa Code chapter 17A concerning contested cases are not applicable to the informal hearing on the application.

8.3(4) *Evaluation considerations.* The council will consider the organization of the area school, standardization of training, academic qualifications (including but not limited to training schedule, curriculum, structure, instructor credentials, and experience), facilities and equipment, and any other relevant factors.

8.3(5) *Written decision.* The council will issue a written decision approving or denying the application for an area school for jailers within 90 days of the informal hearing.

8.3(6) *Appeal.* A denial may be appealed under Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.19, 80B.11(1)*"k,"* 80B.11A, 80B.13(1), and 80B.13(5).

501—8.4(80B) Responsibilities of local and area schools for jailers after approval.

8.4(1) *Certificate of completion.* Documentation of completed hours and scores for all attendees will be submitted to the academy within five days of the award of certificates of completion.

8.4(2) *Facility visits.* Facility visits may be conducted at a local or area school by council designees, with or without advance notice to the school. Visits will include inspections of facilities, equipment, training procedures, instructional materials, and program materials and discussion of training philosophy with key personnel. Findings will be reported to the council.

8.4(3) *Notice of deficiency.* The council will issue a notice of deficiency to a local or area school for any documented area of deficiency and request a plan for correction of the deficiencies. Failure to correct noted deficiencies according to a plan approved by the council may impact eligibility for consideration of future applications.

This rule is intended to implement Iowa Code sections 80B.11(1)*"k,"* 80B.11A, 80B.13(1), and 80B.13(5).

501—8.5(17A,80B,80D) Preliminary application for approval of new regional training center.

8.5(1) *Preliminary application.* Preliminary applications for approval of a new regional training center will be accepted when a fully completed preliminary application is submitted to the council on the approved form. The preliminary application will include a feasibility study that demonstrates the proposed regional training center's potential for success, the need for a new center, and that its implementation will not create an operational burden for academy staff.

8.5(2) *Preliminary application hearing.* An informal hearing will be heard by the council within 60 days of the receipt of the fully completed preliminary application. The provisions of Iowa Code chapter 17A concerning contested cases are not applicable to the informal hearing on the preliminary application.

8.5(3) *Evaluation considerations.* The council will consider anticipated annual and five-year enrollment for the program, collaboration the center has with law enforcement agencies, any special need for the center in the state, information regarding program saturation, and any other relevant factors. The council will also consider a regional training center's willingness to coordinate with the academy and the impact a new center would have on the academy's resources.

8.5(4) *Denial.* The council will issue a written decision if the preliminary application for the new regional training center is denied within 90 days of an informal hearing.

8.5(5) *Appeal.* A denial may be appealed under Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.19, 80B.11(1)*"a"* and *"k,"* 80B.13(1), 80B.13(2), 80B.13(5), and 80D.4A.

501—8.6(17A,80B,80D) Application for approval of regional training center.

8.6(1) *Application.* Upon approval of a preliminary application or at the time for renewal of regional training center approval, an application will be accepted when a fully completed application is submitted to council on the approved form. As of [the effective date of this rule], existing regional training centers will submit renewal applications on a schedule approved by the council.

8.6(2) *On-site inspection.* An inspection of a proposed regional training center may be conducted by designated members of the council, with or without advance notice to the facility. The inspection will be conducted within 45 days of the council meeting following receipt of the application. The visit will include inspection of facilities, equipment, training procedures, instructional materials, and program materials and discussion of the proposed training philosophy with key personnel.

8.6(3) *Informal hearing.* An application for approval or renewal of a regional training center will be heard by the council within 90 days of the facility inspection or receipt of the complete application, whichever is later. The provisions in Iowa Code chapter 17A concerning contested cases are not applicable to the informal hearing on the application.

8.6(4) *Evaluation considerations.* The council will consider standardization of training, impact on existing training programs, academic qualifications (including but not limited to training schedule, curriculum, structure, handbooks, director/coordinator credentials and experience, and instructor credentials and experience), facilities and equipment, the on-site inspection report, financial qualifications, and any other relevant factors. The council will also consider a regional training

center's willingness to coordinate with the academy and will provide the director evidence of ongoing progress and successful completion for each recruit enrolled in the course on the academy's approved form.

8.6(5) *Written decision.* The council will issue a written decision approving or denying approval of the regional training center within 90 days of the informal hearing.

8.6(6) *Approval.* Initial and subsequent regional training center approvals are valid for five years.

8.6(7) *Appeal.* A denial may be appealed under Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.19, 80B.11(1)*"a"* and *"k,"* 80B.13(1), 80B.13(2), 80B.13(5), and 80D.4A.

501—8.7(80B,80D) Responsibilities of regional training centers after approval.

8.7(1) *Curriculum approval.* Regional training facilities will submit a curriculum application for council approval prior to each specific course.

8.7(2) *Attendee approval.* The academy approves eligibility for attendance at regional training centers.

8.7(3) *Physical readiness entrance test.* A physical readiness entrance test will be conducted within 30 days prior to the start of a basic academy training course.

8.7(4) *Final roster.* A roster will be submitted to the academy five days prior to the physical readiness entrance test for the training course to determine the final roster.

8.7(5) *Recruit progress.* Regional training centers will provide access to specific ongoing progress data and metrics of attendees to the academy through a designated platform.

8.7(6) *Award of certification or certificate of completion.* Documentation of completed hours and scores for all attendees will be submitted to the academy for approval prior to the award of law enforcement certifications or certificates of completion.

8.7(7) *Coordinator visits.*

a. Regional training center coordinators will visit the academy for one training day annually to observe training that includes at least two of the following:

(1) Instruction,

(2) Scenarios,

(3) Performance tasks, or

(4) Practical skills.

b. Coordinators will complete a training analysis form that will be shared with the council, the academy, and administrators for the regional training center.

8.7(8) *Annual meeting with council curriculum committee.* Regional training center coordinators will attend an annual meeting with the council's curriculum committee and the academy to ensure curriculum alignment.

8.7(9) *Facility visits.* At a minimum, annual facility visits will be conducted at each regional facility by designated members of the council, with or without advance notice to the facility. Visits will include inspections of facilities, equipment, training procedures, instructional materials, and program materials and discussion of training philosophy with key personnel. Findings will be reported to the council.

8.7(10) *Notice of concern.* The council will issue a notice of concern to a regional training center for any documented area of concern and request a plan for correction. Failure to correct noted concerns according to a plan approved by the council may result in the issuance of a notice of intent to revoke approval.

This rule is intended to implement Iowa Code sections 80B.11(1)*"a"* and *"k,"* 80B.11D, 80B.11E, 80B.11H, 80B.13(1), 80B.13(2), 80B.13(5), and 80D.4A.

501—8.8(17A,80B,80D) Revocation of approval.

8.8(1) *Notice of intent to revoke.* The council may issue a notice of intent to revoke approval when it determines a regional training center is deficient.

8.8(2) *Notice of appeal.* The regional training center may file a written notice of appeal to the council within 30 days of notification of the action. The appeal notice should be addressed consistent with the procedures set forth in rule 7—2506.4(17A).

8.8(3) *Hearing procedures.* A contested case proceeding will be held before the council consistent with the procedures set forth in 7—Chapter 2506 and rule 501—2506.8(80B,80D).

8.8(4) *Written decision.* The council will issue a written decision within 90 days of the contested case hearing.

8.8(5) *Appeal.* A revocation of approval of a regional training center may be appealed under Iowa Code section 17A.19.

This rule is intended to implement Iowa Code sections 17A.12, 17A.19, 80B.11(1)*"a"* and *"k,"* 80B.13(1), 80B.13(2), 80B.13(5), and 80D.4A.

RA 26-157

LAW ENFORCEMENT ACADEMY[501]

Regulatory Analysis

Notice of Intended Action to be published: 501—Chapter 14
"Iowa Law Enforcement Emergency Care Provider"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 80B
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 80B

Public Hearing

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

July 29, 2026 9 to 10 a.m.	In person: 7105 NW 70th Avenue Burma Road, Building A41 Johnston, Iowa Online: us06web.zoom.us/j/89576540945

Public Comment

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

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

This proposed rulemaking rescinds Chapter 14 because the Iowa Law Enforcement Academy Council decided to transition from the Iowa Law Enforcement Emergency Care Provider (ILEECP) program to a standardized national curriculum, tactical medicine, utilized by law enforcement agencies nationwide and currently used in many parts of the State for ongoing professional development. The ILEECP program caused confusion for the law enforcement community, and constituents have signaled a desire to move to medical training better aligned to law enforcement duties and responsibilities.

Analysis of Impact

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

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

This proposed rulemaking does not have a cost to the public.

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

This proposed rulemaking rescinds a program that was unique to Iowa and confusing for the law enforcement community. While all new law enforcement officers are required to secure an ILEECP card, since 2022 only 2 percent of all officers renewed their ILEECP card. The Council's move to the nationally utilized tactical medicine program ensures more standardized training throughout the State,

which benefits both the law enforcement community and the public by more closely aligning with the type of emergency care provided by law enforcement officers and reserve officers on scene while waiting for specially trained medical personnel.

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:**

The transition to training Iowa's law enforcement officers and reserve officers in tactical medicine is consistent with current law enforcement trends; tactical medicine utilization in law enforcement has grown over the last 20 years. Tactical medicine is currently being taught to many Iowa law enforcement agencies by other entities, including the federally funded Midwest Counterdrug Training Center (MCTC) located at Camp Dodge and the Federal Law Enforcement Training Center (FLETC). MCTC offers tuition-free, specialized courses to civilian law enforcement personnel. These courses can be supplemented by current Academy instructional staff with tactical medical training.

- **Qualitative description of impact:**

The main advantage is tactical medicine is a standardized training program designed to teach law enforcement and reserve officers to provide life-saving medical care extremely quickly. These immediate responses and life-saving medical interventions may result in better care and improved outcomes of those injured on scene.

3. **Costs to the State:**

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

There will be no implementation or enforcement costs for rescinding Chapter 14 and transitioning to tactical medicine training. The MCTC already provides tuition-free, specialized training to Iowa law enforcement, and the Academy has instructional staff qualified to supplement that training.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking improves an area of training that was unique to Iowa and an underutilized training area for Iowa's law enforcement community. It further transitions Iowa's training to align with current national law enforcement standards and will ensure basic academy training better aligns with ongoing training utilized by many Iowa law enforcement agencies. Since 2023, MCTC has trained 410 Iowa law enforcement officers and 347 out-of-state law enforcement officers in tactical medicine, further illustrating a desire for this standardized training content.

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

No less costly methods exist than to rescind a program unique to Iowa that is inconsistent with national law enforcement standards. The Council's decision to transition to a nationally accepted and standardized program is in accordance with the goals and directives of Executive Order 10.

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

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

No alternatives were considered.

- **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?

The proposed rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **501—Chapter 14**.

RA 26-158

NATURAL RESOURCE COMMISSION[571]

Regulatory Analysis

Notice of Intended Action to be published: 571—Chapters 2, 2505, and 2506
"Fair Information Practices; Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 22.11 and 2026 Iowa Acts, Senate File 2463

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

August 12, 2026 1 to 2 p.m.	Backbone Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa

Free language assistance: If you need assistance in a language other than English, contact the Department at kelli.book@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.210.3408 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al kelli.book@dnr.iowa.gov or civilrights@dnr.iowa.gov o por teléfono a 515.210.3408 al menos siete días antes del evento.

Public Comment

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

Kelli Book, Attorney
Department of Natural Resources
200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.210.3408
Email: kelli.book@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at kelli.book@dnr.iowa.gov.

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

Purpose and Summary

This rulemaking modifies the Uniform Rules on Agency Procedure related to fair information practices (7—Chapter 2505) to ensure that business confidential records are properly processed and stored by the Department. This rulemaking is also being done in accordance with 2026 Iowa Acts, Senate File 2463, in which the portions of Chapter 2 relating to personally identifiable information were not rescinded. In an effort to consolidate all Department rules regarding fair information

practices, the content related to personally identifiable information is being moved to Chapter 2505. This will allow for Chapter 2 to be rescinded.

This rulemaking also modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that the deadline for an administrative appeal is a definite date.

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 to the general public; this chapter is mostly procedural and descriptive in nature. Those requesting a public record may incur a cost associated with fees prescribed by law and rule.

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

This rulemaking provides procedural structure of public and confidential records for the general public and regulated entities. Those parties will benefit from clear and concise rules as to how records will be maintained by the Department. This rulemaking also provides clear and concise timing of administrative appeals for contested cases.

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

- **Quantitative description of impact:**

There are no costs associated with this proposed rulemaking.

- **Qualitative description of impact:**

This rulemaking provides the procedural structure of public and confidential records for the general public and regulated entities. Those parties will benefit from clear and concise rules as to how records will be maintained by the Department. This rulemaking also provides clear and concise timing of administrative appeals for contested cases.

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:**

There will be no impact on State revenues associated with this proposed rulemaking.

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:**

No alternative methods were considered.

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

The rulemaking is consistent with the uniform rules for contested cases and fair information practices and provisions of Iowa Code chapter 22.

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?

The rulemaking will benefit small business by providing clear and concise rules as to how records will be maintained by the Department and provide guidance for the appeal of contested cases.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **571—Chapter 2**.

ITEM 2. Adopt the following **new** 571—Chapter 2505:

CHAPTER 2505
FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

571—2505.5(17A,22) Confidential records. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order. Unless deemed as a confidential record or considered as a confidential record by Iowa Code section 22.7, all records are considered public and routinely disclosed without the consent of the subject.

2505.5(1) *Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order authorizes the custodian to treat the record as a confidential record may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

2505.5(2) *Request.* A written request that a record be treated as a confidential record and be withheld from public inspection should be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record. The request should include two copies of the record in question: one copy of the record with all information provided and a second copy of the record with the information being requested confidential deleted from the record.

2505.5(3) *Timing of decision.* A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed or when the custodian receives a request for access to the record by a member of the public.

2505.5(4) *Request granted or deferred.* If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

2505.5(5) *Request denied and opportunity to seek injunction.* If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian will notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8 or other applicable provision of law. However, such a record need not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian will notify the requester in writing of the time period allowed to seek injunctive relief or the reason for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received; if a court directs the custodian to treat it as a confidential record, to the extent permitted by another applicable provision of law; or with the consent of the person requesting access.

2505.5(6) *Processing of confidentiality claims.* In order to request a record be held confidential with the department, the party will comply with the following provisions:

a. Applicability/availability. Businesses that provide information to the department in applications, reports or otherwise in recorded form, or from or about which information is obtained and recorded by the department, may request that information not be disclosed to others for reasons of business confidentiality. Until such time as a request for confidentiality is received by the department, all information will be available to the public. If a claim is received after the information itself is received, the department will make such efforts as are administratively practicable to associate the claim with all copies of the previously received information. However, the department cannot ensure that such efforts will be effective in light of the possibility of prior disclosure or dissemination of the information beyond the department's reasonable control.

b. Confidentiality request process. An entity that submits information to the department may assert a confidentiality claim in accordance with the following process:

(1) Attach a cover sheet indicating the entity is seeking the information to be held confidential. The submission will include a letter of substantiation with the information required by paragraph 2505.5(6)*"c."*

(2) File two copies of the information: one copy with all information present and a second copy with the information for which the party wishes to claim confidential treatment deleted from the document.

c. Contents of claim. All claims for confidentiality must be substantiated with the following information in a letter attached to the proposed confidential document:

(1) A statement of all measures the business has taken to protect the confidentiality of the information and a statement of intent to continue to take such measures;

(2) Practices and policies of other businesses, if known, regarding confidentiality of similar information;

(3) A statement that the information is not, and has not been, reasonably attainable without the consent of the business by other persons other than government bodies by use of legitimate means;

(4) A statement demonstrating that disclosure of the information is likely to cause substantial harm to the business's competitive position;

(5) A reference to any other determinations of confidential status of the information or similar information.

d. Initial action by department. All claims will be reviewed for completeness and applicability of subrule 2505.5(8). If the claim does not include the substantiation required by paragraph 2505.5(6)*"c,"* or if the claim relates to information within subrule 2505.5(8), the business making the claim will be notified by certified mail. If the substantiation or comment regarding the inapplicability of subrule 2505.5(8) is not received by the department within ten days of the date on the return

receipt, the department will place the information in the public file. Otherwise, all information claimed to be confidential will be treated as such by the department until further notice.

e. Substantive criteria for use in confidentiality determinations. Prior determinations by the courts, the department, or other agencies on the information or similar information will be given due consideration and effect. Determinations will hold that business information is entitled to confidential treatment for the benefit of a particular person if:

(1) The business has taken and intends to continue to take reasonable measures to protect the confidentiality of the information;

(2) The information is not readily obtainable by others by legitimate means;

(3) The claim is not unreasonable in view of the nature of the information, the interests and normal practices of the business, and the practices of other businesses;

(4) No statute or rule specifically requires disclosure of the information; and

(5) There is a substantial likelihood that disclosure of the information would cause substantial harm to the competitive position of the business.

f. Determination. The department will transmit its determination regarding a claim for business confidentiality to the claimant by certified mail notifying the claimant of the opportunity to provide comments within ten days, subject to reasonable extension upon written request, and that failure to comment will be construed to indicate agreement with the preliminary determination. If the determination is in response to a request for disclosure, the person requesting the disclosure will be sent a similar notice in the same manner within ten days of the request. If any substantial comments are received, the final decision will be made by the director or designee. If no substantial comments are received, the preliminary determination becomes the final decision.

g. All procedures within this rule will not be considered contested case proceedings as provided in Iowa Code chapter 17A.

2505.5(7) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids;

b. Tax records made available to the department;

c. Records that are exempt from disclosure under Iowa Code section 22.7;

d. Minutes of closed meetings of a government body;

e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets;

f. Those portions of the department's staff manuals, instructions, or other statements issued that set forth criteria or guidelines to be used by staff in auditing; in making inspections; in settling commercial disputes or negotiating commercial arrangements; or in the selection or handling of cases such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the department;

g. Records that constitute attorney work product, constitute attorney-client communications, or are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa R.C.P. 1.503(3); Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Any other records made confidential by law.

2505.5(8) *Not confidential.* Notwithstanding any other provision, the following information will not be considered confidential by the department:

a. Emission data. For purposes of this subrule, "emission data" means the following, with reference to any source of emission of any substance into the air:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission that has been emitted by the source (or of any pollutant resulting from any emission by the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions that, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

b. Analytical results of monitoring or public water supply systems;

c. Name and address of any permit applicant; and

d. NPDES permits, applications (including any information required by NPDES application forms), and effluent data. For purposes of this subrule, "effluent data" means the following, with reference to any source of discharge of any pollutant:

(1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant that has been emitted by the source (or of any pollutant resulting from any discharge from the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants that, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

571—2505.9(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the department of natural resources by personal identifier in record systems. For the purposes of this rule, "record system" means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. Records maintained by the department of natural resources, the environmental protection commission, and the natural resource commission are in accordance with guidelines as set forth by the state records commission's file system. An updated index is maintained by the department and is available for public inspection. Records are collected pursuant to authorities contained in Iowa Code title XI. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications. Department of natural resources and natural resource commission records may include but are not limited to the following.

2505.9(1) Department of natural resources.

a. Administration, organization, and management.

(1) Organization and management.

(2) Planning and programming.

(3) Administrative reports.

(4) Insurance and bonding.

(5) Departmental emergency planning.

(6) Correspondence and reference materials.

(7) Information and public relations.

b. Budgets, accounting and financial analysis.
(1) Budget information.
(2) Accounting.
(3) Cost accounting.
c. Office services and facilities management.
(1) Communications.
(2) Printing and reproduction.
(3) Records management.
(4) Motor pool operations.
(5) Facilities management.
(6) Engineering and construction.
d. Equipment, supplies, and services.
(1) Procurement.
(2) Property accountability.
e. Legislative and legal.
(1) Department legislative liaison.
(2) Bills, joint resolutions, amendments, messages, and reports.
(3) Federal government.
(4) Administrative procedures.
(5) Attorney general opinions and research materials.
(6) Claims against the state.
(7) Lawsuits filed by the state.
(8) 28E agreements.
f. Personnel and payroll.
(1) Employee personnel/payroll files.
(2) Merit rules.
(3) Payroll administration.
(4) Position classification.
(5) Preemployment.
(6) Certification and selection.
(7) Scheduling, assignments, and working hours.
(8) Grievances.
(9) Training and education.
(10) Employee benefits and welfare.
(11) Employment relations.
(12) Equal employment opportunity.
(13) Management improvement programs.
(14) Delegation of authority and signature authorization.
g. Conservation and environment.
(1) Geology.
1. Surface and groundwater monitoring.
2. Natural resources geographic information system (GIS) library.
3. Oil/gas exploration and drilling.
(2) Water conservation.
(3) Land conservation.
(4) Soil conservation.
(5) Forestry management.
(6) Fish and game conservation.
(7) Recreation.
(8) Environmental technology.
(9) Air quality monitoring.

(10) Water quality monitoring.
(11) Land quality monitoring.
(12) Hazardous material planning.
1. Hazardous waste management.
2. Underground storage tanks.
3. Leaking underground storage tanks.
(13) Radioactive materials.
(14) Environmental—interdisciplinary.

2505.9(2) Natural resource commission.
a. Tort claims investigations.
b. Numerous licensing files.
c. Lifetime licenses.
d. Boat registrations.
e. Docks, mooring, buoys or raft registrations.
f. Snowmobile registrations.
g. Miscellaneous mailing list (e.g., magazine).
h. Payroll and personnel information system.
i. Fur buyer reports.
j. Fish and game violations.
k. Safety certified students (hunter safety, snowmobile safety, boating safety).
l. Special events applications and permits.
m. Snowmobile accident reports.
n. Boating accident reports.
o. Drowning reports.
p. Timber buyer reports and bonds.
q. Work programs with Iowa State University.
r. Timber management and forestry.
s. State park ranger violation reports.
t. Incident reports.
u. Donations.
v. Real estate acquisition.
w. Encroachments.
x. Campground host program.
y. Law enforcement intelligence network (LEIN) and turn in poachers (TIP).
z. Park leases and concessions.

571—2505.10(17A,22) Other groups of records. This rule describes groups of records maintained by the department of natural resources other than record systems as defined in rule 571—2505.9(17A,22). These records are routinely available to the public. However, the department's files of these records may contain confidential information. In addition, some records may contain information about individuals. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications.

2505.10(1) *Rulemaking.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

2505.10(2) *Commission records.* Agendas, minutes, and materials presented to the environmental protection commission and the natural resource commission are available from the office of the director, except these records concerning closed sessions that are confidential under Iowa Code section 21.5(5). Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

2505.10(3) *Publications.* News releases, annual reports, Iowa Outdoors magazine, project reports, agency newsletters, etc., are available from the department offices for public information. Brochures describing various department programs are available at local offices of the department. Department news releases, project reports, Iowa Outdoors magazine, and newsletters may contain information about individuals, including department staff or members of the commission or committees.

2505.10(4) *Statistical reports.* Periodic reports for various department programs are available from the department offices for public information.

2505.10(5) *Grants or loans.* Records on persons and institutions receiving grants or loans are available through the institutions, also for public information. The records may contain information about employees of a grantee.

2505.10(6) *Published materials.* The department of natural resources uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.10(7) *Policy manuals.* The department of natural resources employees' manual, containing the policies and procedures for programs administered by the department, is available in every office of the department. Policy manuals do not contain information about individuals.

2505.10(8) *All other records that are not exempted from disclosure by law.* The department maintains a variety of records that do not generally contain information pertaining to named individuals.

ITEM 3. Adopt the following **new** 571—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

571—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, within 60 days.

RA 26-159

NATURAL RESOURCE COMMISSION[571]

Regulatory Analysis

Notice of Intended Action to be published: rule 571—96.10(481A)
"Small Game Hunting by Nonresidents"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.38, 481A.39, and 481A.48

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.38, 481A.39, and 481A.48

Public Hearing

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

July 28, 2026	6200 Park Avenue, Suite 200
1 to 2 p.m.	Des Moines, Iowa

Free Language Assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at chris.ensminger@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.250.6886 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al chris.ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.250.6886 al menos siete días antes del evento.

Public Comment

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

Chris Ensminger
Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.250.6886
Email: chris.ensminger@dnr.iowa.gov

Free Language Access: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at chris.ensminger@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita, comuníquese con el Departamento al chris.ensminger@dnr.iowa.gov.

Purpose and Summary

Chapter 96 governs small game hunting by residents and nonresidents in the State of Iowa. This chapter also sets forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, and transportation requirements. The proposed rule defines annual nonresident small game hunting license parameters and designates resident only hunting periods on public lands.

Analysis of Impact

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

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

Iowa small game hunters will bear the costs of the proposed rulemaking.

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

Iowa small game hunters will benefit from the 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:**

The proposed rule does not change the fees for small game hunting licenses.

- **Qualitative description of impact:**

The proposed rule will more evenly distribute small game hunting pressure on public land, providing for a safer and more enjoyable experience for resident and nonresident hunters. Additionally, a typical nonresident hunter spends five days or less hunting small game in Iowa annually. The proposed rule provides for up to 14 days of hunting on an annual license with the option to purchase multiple annual licenses.

3. **Costs to the State:**

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

The agency's primary cost is from staff time to implement and enforce the rules. This includes Wildlife Bureau staff to administer, coordinate, and monitor the hunting seasons and also effort from conservation officers to ensure safe and compliant hunting takes place. However, no staff work exclusively on small game hunting-related matters.

- **Anticipated effect on State revenues:**

The proposed rule is not expected to result in any changes to State revenue.

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

The public does not have any costs to comply with the process and requirements set forth in these rules.

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

The Department could not identify less costly or less intrusive methods for achieving the purpose of this rule. Other states have similar regulations and strive to manage their small game populations at a balance between recreational opportunities and negative interactions.

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

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

No alternative methods were identified to effectively manage Iowa's small game populations.

- **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 rule is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** rule 571—96.10(481A):

571—96.10(481A) Small game hunting by nonresidents.

96.10(1) Small game species for nonresident hunting include pheasant, quail, partridge, grouse, dove, rabbit, and squirrel.

96.10(2) Nonresident small game hunters purchasing a nonresident annual hunting license shall be limited to two 7-day periods totaling not more than 14 days per annual license purchased. Multiple nonresident annual hunting licenses may be purchased.

96.10(3) The two seven-day periods must be designated at the time the annual license is purchased and may be consecutive. The seven-day periods must fall within the season dates defined in rules 571—96.1(481A) through 571—96.4(481A) and this rule, except:

a. Small game hunting by nonresidents is not allowed on public land during the first seven days of the pheasant season as defined in 571—subrule 96.1(1).

b. Rabbit, squirrel, and grouse hunting by nonresidents is not allowed on public land from the third Saturday in October through the third Saturday in November.

96.10(4) A designated period may be changed prior to the beginning date of the period by contacting the department.

96.10(5) The nonresident five-day hunting license may be purchased independently or in conjunction with a nonresident annual hunting license.

RA 26-160

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 13
"Special Railway Agents"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 80.25
State or federal law(s) implemented by the rulemaking: Iowa Code section 80.25

Public Hearing

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

July 28, 2026 9:30 to 10 a.m.	125 Public Conference Room Oran Pape State Office Building Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 13 and adopt a new chapter in lieu thereof. The chapter establishes training, standards, and application processes for special railway agents in Iowa.

Analysis of Impact

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

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

The requesting railroad company is responsible for submitting a surety bond in the amount of $5,000 for the person to be appointed. The bond will remain in effect until 30 days after the company providing the bond gives notice to the Department that the bond will be terminated.

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

The public benefits from railroad agents in Iowa being held to robust training standards.

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:**

The requesting railroad company is responsible for submitting a surety bond in the amount of $5,000 for the person to be appointed. The bond will remain in effect until 30 days after the company providing the bond gives notice to the Department that the bond will be terminated.

- **Qualitative description of impact:**

The requesting railroad company is responsible for complying with the application process for a special railway agent to be appointed and employed in Iowa.

3. **Costs to the State:**

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

There are no costs to the Department or any other agency to implement or enforce this rulemaking.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

The surety bond holds companies accountable and ensures they maintain responsibility for their railway agents in Iowa.

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

The Department has determined this to be the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
SPECIAL RAILWAY AGENTS

661—13.1(17A,80) Appointment of railway special agents. The division of professional development and support services processes applications for appointment as railway special agents from persons who are regularly employed by a railroad so those persons may protect railroad property.

661—13.2(17A,80) Standards and training requirements. All applicants shall meet minimum standards to qualify as law enforcement officers as established in the Iowa law enforcement academy rules and will meet all training requirements of the Iowa law enforcement academy.

661—13.3(17A,80) Letter of request. The chief special agent of the railroad company shall submit a letter of request for the appointment of a railroad employee as railway special agent, including the applicant's full name. This letter and all other correspondence is to be sent to this division.

661—13.4(17A,80) Application packet. Each railway special agent applicant shall complete an application provided by the department. The application submission packet will include the 3″ × 3″ photograph, as required, and two additional photographs measuring 1½″ × 1½″ suitable for the identification card. The application packet will also include information regarding the background investigation completed by the railroad employer, including:

13.4(1) Written comments from former employers in reference to honesty, integrity, character, personality and working performance of the applicant.

13.4(2) Written comments by personnel with any state, municipal or county law enforcement agency about the applicant and the applicant's prior employment and residences.

13.4(3) A check with all creditors for payment record and obligations.

13.4(4) A check with the clerk of court in the applicant's county of residence for any court action, civil or criminal.

13.4(5) A check with the county recorder's office where the applicant resides to determine any property listed in the applicant's name and liens that may be on file.

13.4(6) A check with the credit bureau where the applicant resides or has been employed for the applicant's credit rating.

13.4(7) Certified copies of any educational records that are available (high school and college transcripts) and DD201 military form, if any.

661—13.5(17A,80) Review of application. Upon receipt of all material necessary for the appointment of a railway special agent, the division will process the application. All material will be reviewed and maintained in the administrative services division headquarters' files. The division will conduct further investigation of the applicant, which may include a check of driver's license and motor vehicle files, criminal history data records and verification of the fact that income tax returns have been filed with the Iowa department of revenue.

661—13.6(17A,80) Surety bond. Before appointment, a surety bond issued by an Iowa-licensed bonding or surety company in the amount of $5,000 will be submitted by the requesting railroad company. The surety bond shall name the railway special agent and the bond shall state that the bonded person is a duly appointed railway special agent. Surety bonds shall be issued for each person and remain in effect until 30 days after the company providing the bond gives notice to the department that the bond will be terminated.

661—13.7(17A,80) Weapons permit. If the applicant needs a weapons permit, the application shall show that the requirements outlined in 661—Chapter 91 have been fulfilled. Each railroad employer of a railway special agent will file with this division Form WP1 or WP2 to renew the weapons permit. Continuous weapons training is required to ensure that each railway special agent demonstrates necessary proficiency in the use of weapons.

661—13.8(17A,80) Identification card. After the application is approved, the railroad company will be issued an identification card for the applicant. This card should have affixed one fingerprint and the signature of the applicant. It shall then be returned to the administrative services division for authentication signatures.

661—13.9(17A,80) Notification. The railroad company shall notify the administrative services division, within five working days, when any of the following take place:

13.9(1) The railway special agent appointed by the department is terminated from employment, and provide the railway special agent's identification card and weapon permit.

13.9(2) The railway special agent has been hospitalized for a long-term illness or is undergoing psychiatric evaluation or treatment.

These rules are intended to implement Iowa Code section 80.25.

RA 26-161

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 80
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 22 and 80F
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 22 and 80F

Public Hearing

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

July 29, 2026 2 to 2:30 p.m.	125 Public Conference Room Oran Pape State Office Building Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 80 in its entirety. The chapter outlines fair information practices and the handling of public records. As a result of 2026 Iowa Acts, Senate File 2463, 13 out of the 15 rules contained in this chapter are repealed effective July 1, 2026. The remaining two rules are unnecessary and obsolete.

Analysis of Impact

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

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

Because the Department is proposing to rescind this chapter in its entirety, there are no costs to the public.

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

The benefit of this chapter will still be achieved through the rules in 7—Chapter 2505.

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

- **Quantitative description of impact:**

No costs will be incurred as a result of rescinding this chapter.

- **Qualitative description of impact:**

No costs will be incurred as a result of rescinding this chapter.

3. **Costs to the State:**

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

None were identified.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction would create confusion for the public and anyone attempting to understand fair information practices.

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

The Department has determined that this is the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **661—Chapter 80**.

RA 26-162

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 89
"Missing Persons"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 80H.6 and 694.10
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80H and 694

Public Hearing

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

July 28, 2026 10 to 10:30 a.m.	125 Public Conference Room Oran Pape State Office Building Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 89 and adopt a new chapter in lieu thereof. The chapter outlines the duties and program information of the Missing Person Information Clearinghouse within the Iowa Division of Criminal Investigation and provides criteria and activation/termination procedures for Iowa AMBER Alerts and Blue Alerts.

Analysis of Impact

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

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

Law enforcement agencies submitting a request for AMBER or Blue Alerts to be issued will be responsible for adhering to the criteria of the proposed rulemaking.

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

The public benefits from information and AMBER/Blue Alerts being swiftly disseminated in cases of missing or wanted individuals.

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:**

Law enforcement agencies submitting a request for AMBER or Blue Alerts to be issued will be responsible for adhering to the criteria of the proposed rulemaking.

3. **Costs to the State:**

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

There is no cost to the Department or any other agency to implement and enforce this rulemaking.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction could lead to misuse and confusion surrounding the criteria for what is required to issue a Blue or AMBER Alert in Iowa.

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

The Department has determined this to be the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 89 and adopt the following **new** chapter in lieu thereof:

CHAPTER 89
MISSING PERSONS

661—89.1 to **89.99** Reserved.

DIVISION I
MISSING PERSON INFORMATION CLEARINGHOUSE

661—89.100(694) Missing person information clearinghouse. The missing person information clearinghouse is established in the division of criminal investigation to provide the services identified in Iowa Code section 694.10.

661—89.101(694) Administration of missing person information clearinghouse. The division of criminal investigation administers the missing person information clearinghouse, and all questions, comments, or requests for, or submission of, information should be directed to the clearinghouse at the division of criminal investigation. Inquiries by mail should be addressed to Missing Person Information Clearinghouse, Division of Criminal Investigation, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. Inquiries by electronic mail should be addressed to mpicinfo@dps.state.ia.us.

661—89.102(694) Definitions. The following definitions apply to rules 661—89.100(694) through 661—89.106(694).

"Approved" means having met the criteria set forth by the department of public safety.

"Clearinghouse" means the missing person information clearinghouse in the division of criminal investigation, department of public safety.

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

"Department" means the Iowa department of public safety.

"Missing person" means the same as defined in Iowa Code section 694.1.

"Missing person report" means a report filed by a law enforcement agency or a private individual with the clearinghouse on a missing person report form.

"Missing person report form" means a form designated by the department for use by private citizens and law enforcement agencies to report missing person information to the missing person information clearinghouse. Law enforcement agencies may use forms other than the form designated by the department to submit missing person information to the clearinghouse, provided that all of the information requested on the designated form is provided.

"Prevention and education materials" means those materials that are designed to aid in the prevention of child abduction and to address risks of the exploitation of missing children and that are used in conjunction with a prevention and education program.

"Prevention and education programs" means those programs which have as their primary purpose the prevention of child abduction and of the exploitation of missing children.

"Programs and materials registry" or *"registry"* means a list of prevention and education materials and programs approved by the department.

661—89.103(694) Program information.

89.103(1) A toll-free telephone line (1.800.346.5507) is available 24 hours a day, seven days a week, to collect and disseminate information concerning missing persons in Iowa.

89.103(2) Current information on Iowa missing persons, including photographs when available, is available on the website of the clearinghouse.

89.103(3) After filing a complaint of a missing person with a law enforcement agency, the person filing the complaint may submit information to the clearinghouse on a missing person report form, which may be obtained from the clearinghouse or any law enforcement agency.

89.103(4) After a missing person complaint has been filed with a law enforcement agency, any person may submit information on a missing person report form to the clearinghouse.

661—89.104(694) Prevention and education programs and materials.

89.104(1) The clearinghouse shall maintain a registry of approved prevention and education programs and materials regarding missing and runaway children.

89.104(2) Any person or group wishing to submit prevention and education programs and materials for approval and inclusion in the registry may contact the clearinghouse in order to request information on submitting prevention and education programs and materials for approval.

89.104(3) The clearinghouse shall consider prevention and education programs and materials submitted for approval only upon receipt by the clearinghouse of all specified materials. Any modification to approved programs or materials require approval. No prevention and education programs or materials may be represented as having been approved by the clearinghouse or the department unless they have been approved and placed on the registry. Prevention and education programs and materials that have been approved by the National Center for Missing and Exploited Children are deemed to be approved by the department.

89.104(4) Prevention or education programs or materials may be rejected if it is determined that materials utilized or content of the program is other than that which was submitted to the clearinghouse for approval, or if it is determined that information provided in previously approved prevention and education programs and materials is outdated or misleading. Prevention or education programs or materials for which approval has been withdrawn by the clearinghouse will be removed from the registry.

89.104(5) If prevention or education programs or materials submitted to the clearinghouse are rejected or removed from the registry, the person or group that submitted the programs or materials may appeal the rejection or removal to the commissioner within 30 days of the date on which the clearinghouse notified the person or group of the rejection or removal. A proceeding arising from this rule shall be a contested case and shall be subject to 7—Chapter 2506.

89.104(6) Any individual may file a complaint with the clearinghouse regarding prevention and education programs and materials on the registry. Complaints shall be directed to the clearinghouse in writing.

661—89.105(694) Release of information. Prevention and education materials and program information filed with the clearinghouse for review are open records. Information received by the department that pertains to a missing person, other than criminal investigative data, shall be open records unless deemed confidential pursuant to Iowa Code chapter 22, 692 or 694, or other provision of law.

661—89.106(694) Dissemination.

89.106(1) The clearinghouse shall distribute missing person information that contains the names, photographs, descriptions, and information related to the events surrounding the disappearance of missing persons through publication on the Missing Person Information Clearinghouse website. The law enforcement agency or person to contact if a missing person is located and the names of all located missing persons will be included in the information shown on the website.

NOTE: The website of the missing person information clearinghouse is missingpersons.iowa.gov.

89.106(2) Each week the clearinghouse shall produce, update, and publish public service announcements on the clearinghouse website. A media outlet may request to receive the weekly public service announcement by electronic mail by subscribing to the electronic mail notification service available through the department website.

661—89.107 to **89.199** Reserved.

DIVISION II
AMBER ALERT PROGRAM

661—89.200(694) AMBER alert program. The AMBER alert program is a cooperative effort of the department, the department of transportation, the lottery authority, the Iowa association of broadcasters, the Iowa state association of sheriffs and deputies, local law enforcement agencies, and the national weather service.

661—89.201(694) Criteria.

89.201(1) An AMBER alert shall be issued by Iowa state patrol communications upon receipt of a request from a law enforcement agency, provided that the following criteria for issuance of an AMBER alert are met:

a. Law enforcement has confirmed that a person has been abducted, and an entry has been made into the Iowa On-line Warrants and Articles (IOWA) System identifying the person as missing.

b. The person who has been abducted is under the age of 18.

c. Law enforcement believes the circumstances surrounding the abduction indicate that the child is in danger of serious bodily injury or death.

d. There is enough descriptive information about the child, abductor, or suspect's vehicle to believe that an immediate broadcast alert will help.

89.201(2) The criteria should be interpreted broadly so as to protect the safety of the abducted child and to maintain the integrity of the AMBER alert program and criteria.

661—89.202(694) Activation procedures.

89.202(1) An Iowa AMBER alert shall be issued by Iowa state patrol communications upon receipt of a request from a participating law enforcement agency, provided that the criteria established in rule 661—89.201(694) are met.

89.202(2) In order to initiate an Iowa AMBER alert, a law enforcement agency shall submit by facsimile transmission a completed copy of the State of Iowa AMBER Alert Notification Plan Facsimile Transmission Packet to the Des Moines station of Iowa state patrol communications. If transmission to the Des Moines station is not feasible, transmission may be made to the Cedar Rapids station of Iowa state patrol communications.

89.202(3) Upon receipt by Iowa state patrol communications of a completed facsimile transmission packet and if the AMBER alert criteria established in rule 661—89.201(694) are met, an AMBER alert shall be transmitted via the Emergency Alert System (EAS) to Iowa broadcasters.

89.202(4) After initiation of an AMBER alert, additional information may be submitted by the participating law enforcement agency by facsimile transmission, electronic mail, or telephone.

89.202(5) After initiation of an AMBER alert, available information shall be posted on the Iowa AMBER alert website.

NOTE: The website of the Iowa AMBER alert program is at www.iowaamberalert.org.

89.202(6) The communications officer of the Iowa state patrol may direct the issuance of an Iowa AMBER alert, upon receiving a request to do so from another state in which an AMBER alert has been issued, provided that there is evidence that the abductor may be traveling with the abducted child to or through Iowa.

89.202(7) An Iowa AMBER alert shall terminate if the child who was abducted is located or if five hours have elapsed since the initiation of the alert. An alert may be renewed.

89.202(8) If an Iowa AMBER alert is requested and if the circumstances indicate that a person is missing, the information shall be transmitted promptly to the Iowa missing person information clearinghouse.

661—89.203(694) Alternative alert if criteria are not satisfied. If an AMBER alert has been requested and the criteria established in rule 661—89.201(694) are not satisfied, the department may issue a missing person alert or a missing child alert.

These rules are intended to implement Iowa Code chapter 694.

661—89.204 to **89.299** Reserved.

DIVISION III
BLUE ALERT PROGRAM

661—89.300(80H) Blue alert program. This chapter implements the Iowa blue alert program.

661—89.301(80H) Definitions. The definitions in Iowa Code section 80H.1 are adopted and incorporated herein. In addition:

"In the line of duty" or *"on duty"* means the peace officer is working within the scope of a peace officer, or there is evidence the death or serious injury of the peace officer or the fact the peace officer is missing is related to the peace officer's actions within the scope of a law enforcement officer.

"Serious injury" means the same as defined in Iowa Code section 702.18.

661—89.302(80H) Criteria for alert for officer injury or death or for missing officer. A blue alert shall be issued by Iowa state patrol communications upon receipt of a request from a law enforcement agency, provided the criteria in Iowa Code section 80H.3 are met.

661—89.303(80H) Alternative alert if criteria are not satisfied. If a blue alert has been requested and the criteria established in Iowa Code chapter 80H are not satisfied, the department may broadcast identifying information of the suspect, issue a missing person alert, or both.

661—89.304(80H) Activation procedures.

89.304(1) An Iowa blue alert shall be issued by department communications upon receipt of a request from a participating law enforcement agency, provided the criteria established in Iowa Code chapter 80H are met.

89.304(2) In order to initiate an Iowa blue alert, a law enforcement agency shall submit by facsimile transmission a completed copy of the State of Iowa Blue Alert Notification Plan Facsimile Transmission Packet to the Des Moines station of department communications. If transmission to the Des Moines station is not feasible, transmission may be made to the Cedar Rapids department communications.

89.304(3) Upon establishment of the blue alert criteria established in Iowa Code section 80H.3, the department shall transmit a blue alert through the emergency alert system to Iowa broadcasters.

89.304(4) Upon the transmission of a blue alert, the department shall post the alert on its website, which is accessible by the public.

NOTE: The website of the department is dps.iowa.gov.

89.304(5) After an initial blue alert transmission, additional information may be submitted by the participating law enforcement agency by facsimile transmission, electronic mail, or telephonic means.

89.304(6) The bureau chief of the department communications bureau may direct the transmission of an Iowa blue alert upon request from another state, provided that there is evidence the suspect may be present in Iowa.

89.304(7) The blue alert transmission may be directed to a specific geographic location within the state if the department communications bureau determines that the nature of the event makes it probable that the suspect or peace officer did not leave a certain geographic location of the state.

These rules are intended to implement Iowa Code chapter 80H.

RA 26-163

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 93
"Identification Cards for Former Peace Officers of the Iowa Department of Public Safety"

Iowa Code section(s) or chapter(s) authorizing rulemaking: Executive Order 10
State or federal law(s) implemented by the rulemaking: 18 U.S.C. §926C

Public Hearing

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

July 29, 2026	125 Public Conference Room
2:30 to 3 p.m.	Oran Pape State Office Building
	Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 93 and adopt a new chapter in lieu thereof. These proposed rules provide a procedure for a qualified former member of the Department to apply for a new or duplicate former peace officer identification (ID) card after the person is no longer employed by the Department as a peace officer, to complete required annual firearms qualification under auspices of the Department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the Department not to issue a former peace officer ID card or an annual firearms qualification card.

Analysis of Impact

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

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

The Department is required to provide any qualified former peace officer member of the Department with a permanent card that identifies the holder as a qualified former law enforcement officer upon separation from employment as a peace officer with the Department.

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

Any qualified former peace officer of the Department will benefit.

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

- **Quantitative description of impact:**

The Department is responsible for printing costs associated with the cards.

- **Qualitative description of impact:**

Former qualified peace officers are responsible for applying for an ID card and may attend annual firearms qualification courses.

3. **Costs to the State:**

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

The Department is responsible for issuing former peace officer ID cards and annual firearms qualification certification cards, the cost of which is minimal.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

Inaction could create confusion as to application standards and procedures.

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

The Department has determined this is the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

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

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

None were identified.

- **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 will not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 93 and adopt the following **new** chapter in lieu thereof:

CHAPTER 93
IDENTIFICATION CARDS FOR FORMER PEACE OFFICERS
OF THE IOWA DEPARTMENT OF PUBLIC SAFETY

661—93.1(18USC926C) General provisions. It is the policy of the department of public safety to provide any qualified former peace officer member of the department with a permanent card that

identifies the holder as a qualified former law enforcement officer upon separation from employment as a peace officer with the department. These rules provide a procedure for a qualified former member of the department to apply for a new or duplicate former peace officer ID card after the person is no longer employed by the department as a peace officer, to complete required annual firearms qualification under auspices of the department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the department not to issue a former peace officer identification card or an annual firearms qualification card.

661—93.2(18USC926C) Definitions. The following definitions apply to the rules in this chapter:

"Commissioner" means the commissioner of the department of public safety.

"Department" means the Iowa department of public safety.

"Former peace officer identification (ID) card" means a photographic identification card issued by the department to a qualified former law enforcement officer with the department.

"Qualified former law enforcement officer" means a person who:

1. Retired or separated in good standing from service with the department as a law enforcement officer; and
2. Was not officially found by a qualified medical professional employed by the department to be unqualified for reasons relating to mental health; and
3. Did not enter into an agreement with the department in which the officer acknowledged that the officer was not qualified for reasons relating to mental health; and
4. Before such retirement or separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and had statutory powers of arrest; and
5. Met one of the following two requirements:

- Before such retirement or separation, was regularly employed as a law enforcement officer for an aggregate of ten years or more; or
- Retired from service with the department, after completing any applicable probationary period of such service, due to an accidental disability, as determined by the board of directors of the department peace officers' retirement, accident, and disability system, pursuant to Iowa Code section 97A.6 and rule 661—401.1(97A).

661—93.3(18USC926C) Application for former peace officer ID card.

93.3(1) A qualified former law enforcement officer of the department may apply for a former peace officer identification card prior to retirement or any time after such retirement becomes effective.

93.3(2) Application shall be made on a form available from the office of the commissioner.

93.3(3) The completed application form may be submitted to the Iowa Department of Public Safety, Office of the Commissioner, 215 East 7th Street, Des Moines, Iowa 50319.

93.3(4) Upon receipt of a completed application, the department shall verify that the applicant met the requirements for issuance of a former peace officer identification card at the time of separation from employment with the department.

93.3(5) If the applicant met all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department, the application shall be approved, unless the commissioner is aware of information that would disqualify the applicant that arose from conduct or circumstances that occurred after the time of separation. Issuance of a former peace officer identification card by the department implies no warranty of the continuing eligibility of the former peace officer to carry a concealed weapon pursuant to 18 U.S.C. §926C.

93.3(6) If the applicant did not meet all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department or if the commissioner is aware of information that would disqualify the applicant based on conduct or

circumstances that occurred after separation from the department, then the application shall be denied and the applicant shall be notified of the denial.

93.3(7) The commissioner shall notify an approved applicant and shall provide instructions for completion of the issuance process. Such instructions may include a requirement for the applicant to be present at a time and location designated by the department to be photographed for the identification card.

93.3(8) Issuance of an initial former peace officer identification card shall be at no charge to the qualified former law enforcement officer.

93.3(9) If a qualified former peace officer of the department loses an identification card, or if a card is damaged, a replacement may be issued. The former officer shall notify the office of the commissioner of the loss or damage and may apply for a replacement card.

661—93.4(18USC926C) Annual firearms qualification—certification card.

93.4(1) Qualified former law enforcement officers with the department may participate in annual firearms qualification offered by the department and, upon successful completion of the annual firearms qualification, receive proof thereof from the department. A card certifying successful completion of the annual qualification and specifying the date of the qualification shall be issued by the firearms instructor conducting the qualification on behalf of the department to each qualified former law enforcement officer who has successfully completed the qualification. A card certifying successful completion of the qualification shall be issued by department personnel only to a qualified former law enforcement officer with the department who successfully completes the annual firearms qualification under the auspices of the department. Participation in annual firearms qualification offered by the department is restricted to qualified former law enforcement officers with the department who are residents of the state of Iowa at the time of the qualification.

NOTE: Any qualified former law enforcement officer with the department may participate in annual firearms qualification offered by a certified firearms instructor other than under the auspices of the department. A card to certify proof of successful completion of annual firearms qualification may be issued only by the firearms instructor who conducts the qualification.

93.4(2) Annual firearms qualification shall be offered periodically and at various locations in the state to qualified retired and former officers of the department who reside in Iowa. While the department will make a good-faith effort to notify all qualified and former peace officer members of the department who reside in Iowa of the availability of such training, it is the responsibility of each qualified former peace officer member of the department to inquire about such training if the qualified former peace officer wishes to use the qualification or training to obtain the annual certification of firearms qualification required under 18 U.S.C. §926C.

93.4(3) A qualified former law enforcement officer with the department who resides in Iowa shall be offered the opportunity to participate in annual firearms qualification at no cost to the qualified former officer, except that any former officer of the department who participates in annual firearms qualification offered under the auspices of the department shall supply any firearm, ammunition, or equipment required to be used in the qualification.

93.4(4) A qualified former law enforcement officer with the department residing in Iowa who plans to participate in firearms qualification or firearms familiarization training offered by the department should inquire via email to the department prior to the qualification or training as to what information and material the qualified former peace officer is required to provide at the training. An application form for an annual firearms qualification shall be provided electronically to the qualified former peace officer member. The qualified former peace officer member shall complete the application form and submit it to the instructor prior to the start of the qualification or training.

93.4(5) An instructor supervising annual qualification or training on behalf of the department shall refuse to admit a former law enforcement officer with the department to the qualification session or training if the former law enforcement officer with the department is not a resident of the state of Iowa at the time of qualification or the instructor knows that the former law enforcement officer

with the department does not meet the requirements for possession of a firearm under state or federal law or is otherwise unable to meet the requirements to be a qualified former law enforcement officer under the provisions of 18 U.S.C. §926C. An instructor may refuse to admit any qualified former law enforcement officer with the department to an annual firearms qualification if, in the judgment of the instructor, participation in the session by the qualified former law enforcement officer would be unsafe.

93.4(6) If the qualified former law enforcement officer with the department satisfies the requirements for annual firearms qualification, the instructor shall complete and issue the qualified former law enforcement officer an annual firearms qualification certification card on a form provided by the department. If the former law enforcement officer with the department fails to attain a qualifying score, the instructor shall notify the former law enforcement officer with the department.

661—93.5(17A) Appeals. Any action taken by the department that adversely affects the applicant may be appealed through the process delineated in 7—Chapter 2505.

These rules are intended to implement 18 U.S.C. §926C.

RA 26-164

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 95
"Disposition of Seized and Forfeited Weapons and Ammunition"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 809A.17
State or federal law(s) implemented by the rulemaking: Iowa Code sections 809.21 and 809A.17

Public Hearing

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

July 28, 2026	125 Public Conference Room
10:30 to 11 a.m.	Oran Pape State Office Building
	Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 95 and adopt a new chapter in lieu thereof. The chapter outlines the disposition of seized and forfeited weapons and ammunition that are deposited with the Department.

Analysis of Impact

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

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

The Department is responsible for maintaining a robust reference collection, overseeing the loan program to Iowa law enforcement agencies, and destroying any firearm not suitable for resale or safe for further use.

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

Law enforcement agencies benefit from being able to acquire firearms from the Division of Criminal Investigation (DCI) Laboratory at no cost. Over 100 agencies have utilized firearms on loan from the DCI Laboratory for law enforcement purposes, relieving many departments from the financial burden of purchasing new weapons for their officers. Members of the public are also able to purchase long guns through the Department of Natural Resources firearms auction.

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:**

The Department is responsible for examining and evaluating all firearms and ammunition submitted to the DCI Laboratory and destroying those not suitable for resale.

- **Qualitative description of impact:**

Law enforcement agencies borrowing firearms from the DCI Laboratory are responsible for the maintenance and upkeep of the firearm while in their possession.

3. **Costs to the State:**

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

There are no costs to the Department or any other agency to implement or enforce this rulemaking.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

While there are no costs to comply with or implement this rulemaking, law enforcement agencies benefit from being able to acquire firearms from the DCI Laboratory at no cost. Local agencies and other crime labs from across the country also benefit from the Laboratory's extensive reference collection, which is used for testing, comparison, and evaluation purposes.

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

The Department has determined this to be the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 95 and adopt the following **new** chapter in lieu thereof:

CHAPTER 95
DISPOSITION OF SEIZED AND FORFEITED WEAPONS AND AMMUNITION

661—95.1(809,809A) Definitions. The following definitions apply to the rules in this chapter:

"Ammunition reference file" means the physical collection of ammunition received, collected and maintained by the division of criminal investigation criminalistics laboratory for testing and evaluation purposes.

"Firearms inventory" means a listing of firearms received, collected, maintained, and disposed of by the division of criminal investigation criminalistics laboratory and of transactions regarding firearms completed by the laboratory. Firearms in the temporary custody of the laboratory for evidentiary examination are not included in the firearms inventory.

"Firearms reference file" means the physical collection of firearms received, collected and maintained by the division of criminal investigation criminalistics laboratory for comparison and identification purposes.

661—95.2(809,809A) Ammunition and firearms. The division of criminal investigation criminalistics laboratory shall examine and evaluate all firearms and ammunition submitted to the laboratory pursuant to Iowa Code section 809A.17. All firearms submitted to the laboratory shall be evaluated and disposed of as provided in Iowa Code sections 809.21 and 809A.17 and these rules. Any ammunition submitted to the laboratory may be entered into the laboratory's ammunition reference file and may be utilized by the laboratory for testing and evaluation purposes.

661—95.3(809,809A) Firearms inventory. There is established a continuous firearms inventory in the division of criminal investigation criminalistics laboratory. All firearms transactions covered by any of the provisions noted herein, other than receipts and returns of weapons for evidentiary examination, shall be recorded as and made a part of the continuous firearms inventory. Each individual entry in the inventory shall be maintained for a period of no less than 20 years. Inventory entries that refer to firearms retained in the firearms reference file shall be maintained permanently.

661—95.4(809,809A) Deposit of firearms in the firearms reference file. There is established a division of criminal investigation criminalistics laboratory firearms reference file. Firearms submitted to the laboratory, other than firearms submitted solely for evidentiary examination, shall be evaluated as to their possible worth for testing and evaluation purposes. Any firearms deemed useful for such purposes shall be deposited in the firearms reference file.

661—95.5(809,809A) Disposition of firearms (interstate). Any firearm in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that is not entered into the firearms reference file pursuant to the provisions of rule 661—95.4(809,809A) and that the commissioner of public safety deems appropriate for distribution to other crime laboratories may be offered to them.

661—95.6(809A) Transfer of rifles and shotguns to the department of natural resources. Any rifle or shotgun in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that is not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) or distributed to another crime laboratory pursuant to rule 661—95.5(809,809A) may be transferred to the department of natural resources for disposition pursuant to the rules of that department.

661—95.7(809,809A) Disposition of firearms (intrastate). Any firearm not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) and still in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17, subsequent to the procedures set out in rules 661—95.5(809,809A) and 661—95.6(809A), shall be evaluated for usefulness to Iowa law enforcement agencies. Any firearm that is deemed suitable for law enforcement purposes may be distributed to an Iowa law enforcement agency that has made a request for such firearm. This distribution shall be made in accordance with the reasonable needs of the

requesting agency as determined by the commissioner of public safety. Any firearm received by a law enforcement agency pursuant to this rule is for the internal use of the receiving agency and cannot be resold or otherwise distributed outside of the receiving agency, other than to be returned to the division of criminal investigation criminalistics laboratory.

661—95.8(809,809A) Final disposition and destruction of firearms. All firearms in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 that are not disposed of by the procedures provided in rules 661—95.2(809,809A) through 661—95.7(809,809A) shall be destroyed and documented as such. Destruction shall be accomplished by grinding and chopping at a scrap metal facility or meltdown at a suitable foundry operation. All destruction shall be supervised and conducted by the staff of the division of criminal investigation criminalistics laboratory.

661—95.9(809,809A) Disposition of explosives. Any law enforcement agency in possession of forfeited explosives shall contact the arson and explosives bureau of the fire marshal division for instructions and shall follow the instructions received from the fire marshal division for the disposition of the forfeited explosives.

661—95.10(809,809A) Disposition of weapons other than firearms and explosives. Any law enforcement agency in the possession of a forfeited weapon other than a firearm, ammunition, or explosives may contact the division of criminal investigation criminalistics laboratory for instructions regarding the disposition of the forfeited weapons.

These rules are intended to implement Iowa Code sections 809.21 and 809A.17.

RA 26-165

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 600
"Statewide Interoperable Communications System Board"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 80.28 and 80.29
State or federal law(s) implemented by the rulemaking: Iowa Code section 80.29

Public Hearing

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

July 28, 2026 9 to 9:30 a.m.	125 Public Conference Room Oran Pape State Office Building Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 600 and adopt a new chapter in lieu thereof. The chapter provides for board structure and procedures as it relates to the Iowa Statewide Interoperable Communications System Board.

Analysis of Impact

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

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

Operational expenses of the Board and reimbursement for expenses incurred by board members while engaged in the performance of official duties are covered by funds appropriated to the Department and the Department of Transportation.

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

Board members and any person from the public who wish to understand Board structure and procedures will benefit.

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

- **Quantitative description of impact:**

Board members will need to dedicate time to fulfill their duties as outlined in the Iowa Code.

- **Qualitative description of impact:**

The Iowa Statewide Interoperable Communications System (ISICS) and users benefit from Board decisions that support the overall health of the system.

3. **Costs to the State:**

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

Operational expenses and reimbursement for expenses incurred by Board members while engaged in the performance of official duties are covered by funds appropriated to the Department and the Department of Transportation.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

The funds appropriated to the Department and the Department of Transportation to support board operational expenses allow for the Board members to carry out their duties as obligated by statute.

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

The Department has determined this to be the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 600 and adopt the following **new** chapter in lieu thereof:

CHAPTER 600
STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

661—600.1(80) Establishment of board. The Iowa statewide interoperable communications system board is established in Iowa Code section 80.28.

661—600.2(80) Definitions. The following definitions apply to the rules in this chapter:

"Board" means the statewide interoperable communications system board established in Iowa Code section 80.28.

"Interoperability" means the same as defined in Iowa Code section 80.28(1).

"Legal counsel to the board" means the assistant attorney general assigned to provide legal advice and representation to the board.

"Quorum" means two-thirds or more of the current voting members of the board.

661—600.3(80) Statewide interoperability coordinator. The board may select and appoint a person who is not a member of the board as the statewide interoperability coordinator to coordinate work performed on behalf of the board and to complete tasks related to the mission of the board as assigned by the board or by the chairperson of the board with board approval.

661—600.4(80) Board procedures. The board shall operate under the following procedures.

600.4(1) *Membership.* The board shall include seven voting members and four ex officio, nonvoting members who are members of the Iowa general assembly, as provided in Iowa Code section 80.28.

600.4(2) *Meetings.*

a. The board shall meet at least once a quarter at a time and place determined by the board. Additional meetings may be called by:

(1) The chairperson,

(2) The vice chairperson, or

(3) The statewide interoperability coordinator, at the request of three or more voting members of the board.

b. If a quorum is not present at a scheduled meeting of the board, the members of the board who are present may convene, may take testimony and public comment, and may engage in discussion of board business, but shall not take any action other than to adjourn.

c. Notice of all meetings of the board shall be given in accordance with the provisions of Iowa Code section 21.4.

d. All meetings of the board are public meetings and shall be conducted in accordance with Iowa Code section 21.3.

(1) A portion of any board meeting may be closed to the public for any of the reasons enumerated in Iowa Code section 21.5 and only subsequent to the procedures specified in Iowa Code section 21.5 to be followed by a public body in order to close a meeting to the public. If a board meeting has been closed to the public, the board shall not adjourn while in closed session, and may do so only after the meeting has been reopened to the public.

(2) The chairperson or vice chairperson may extend invitations to subject matter experts or other parties to address items on the agenda of the board at meetings of the board.

(3) Members of the public shall be afforded an opportunity to address the board at each regular meeting during a period labeled "public comment period" on the agenda, subject to reasonable time limits established by the person presiding at the meeting.

(4) Remote telephonic access to a meeting of the board may be provided at the request of a board member or a member of the public consistent with Iowa Code chapter 21.

e. Meetings of the board shall be conducted in accordance with Roberts Rules of Order, 12th edition.

600.4(3) *Officers.* Officers of the board shall be a chairperson and a vice chairperson.

a. Election of the chairperson and the vice chairperson shall take place at a regular meeting of the board.

b. The chairperson and the vice chairperson shall each be elected for a two-year term, commencing at the conclusion of the meeting at which the election takes place.

c. The chairperson and the vice chairperson shall each be a voting member of the board.

d. If the chairperson or the vice chairperson ceases to be a voting member of the board, or if the chairperson or the vice chairperson resigns from the position, the position shall become vacant. If the position of the chairperson becomes vacant, the vice chairperson shall become chairperson and shall serve the remainder of the two-year term to which the chairperson had been elected, and the position of vice chairperson shall become vacant. If the position of vice chairperson has become vacant, an election to fill the remainder of the two-year term shall be conducted at the next regular meeting of the board following the occurrence of the vacancy.

e. Election to the position of chairperson or vice chairperson shall require a majority of the voting members of the board who are present and voting at a meeting at which a quorum of the board is in attendance.

f. If the board fails to elect a chairperson or a vice chairperson at the board meeting when a term of office ends, the incumbent chairperson or vice chairperson shall continue to serve until a successor is elected.

661—600.5(80) Committees.

600.5(1) *Standing committees.* A standing committee may be created or disbanded by majority vote of the voting members of the board present at any board meeting.

a. The chairperson of each standing committee shall be a voting member of the board.

b. Persons who are not voting members of the board may serve on a standing committee.

c. The chairperson of the board, with approval of the board, shall appoint members of the standing committee.

600.5(2) *Ad hoc committees.* The chairperson may establish ad hoc committees for specific purposes and terms and may appoint persons to those committees in an advisory capacity based upon their expertise in the subject matter.

661—600.6(80) Board finances. Operational expenses of the board and of the statewide interoperability coordinator shall be paid from funds available to the department of public safety or the department of transportation, pursuant to an agreement between those agencies, except that expenses related to participation on the board by employees of state agencies shall be borne by their respective agencies.

661—600.7(80) Contracts. The board may enter into contracts with other entities to carry out tasks in pursuit of the board's purpose. Any such contract shall be entered into subject to approval of the legal counsel to the board and shall comply with the rules of the department of administrative services and any other applicable state laws regarding purchases by state agencies.

661—600.8(80) Competitive grants. If funds are available to the board to award grants on a competitive basis for projects to further the purposes of the board, the chairperson shall appoint an advisory committee to review grant applications. The chairperson of the advisory committee shall be a voting member of the board, although other members may be members of the board or other persons with expertise helpful in evaluating grant applications. The statewide interoperability coordinator shall, prior to the solicitation of applications for the grant funds and with the approval of the board, develop a grant application form and an evaluation methodology that shall be understandable and made available to any prospective applicant. The availability of grant funds shall be made known as widely as practicable prior to the deadline for accepting applications.

661—600.9(80) Additional information. Additional descriptive and explanatory information about the board and its procedures and about interoperability issues may be found on the website of the board at isicsb.iowa.gov/index.html.

These rules are intended to implement Iowa Code section 80.29.

RA 26-166

UTILITIES COMMISSION[199]

Regulatory Analysis

Notice of Intended Action to be published: 199—Chapter 8 and subrule 11.5(1)
"Restoration of Agricultural Lands During Electric Transmission Line Construction"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 478.34
State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2227

Public Hearing

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

July 28, 2026 9 a.m.	Utilities Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa

Public Comment

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

IT Support
Utilities Commission
1375 East Court Avenue
Des Moines, Iowa 50319
Phone: 515.725.7300
Email: support@iuc.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to establish standards consistent with 2026 Iowa Acts, House File 2227, which was signed into law by Governor Reynolds on April 16, 2026. This legislation enacted new Iowa Code section 478.34, which establishes that electric transmission lines approved on or after July 1, 2024, by a federally registered planning authority's transmission plan with costs allocated regionally are required to have a land restoration plan approved by the Commission. All references to Iowa Code section 478.34 in the proposed text are to that section as enacted by 2026 Iowa Acts, House File 2227.

Analysis of Impact

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

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

The persons affected by this rulemaking who would bear the costs would be any company awarded a project by a federally registered planning authority with costs allocated regionally for any new electric transmission line on or after July 1, 2024. This is commonly referred to as the Midcontinent Independent System Operator (MISO) Tranche 2.1. The incursion of these costs is due to the newly enacted Iowa Code section 478.34.

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

Landowners who have these projects crossing their property will receive the benefit of having land restoration standards for these new electric transmission lines. Additionally, the companies proposing these new electric transmission lines will have the benefit of knowing the requirements and procedures they must follow as they relate to land restoration during construction.

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:**

The quantitative impact will be increased costs borne by the electric transmission line company for electric transmission lines that require a land restoration plan. The number of electric transmission lines, and in turn companies, impacted by these rules would be relatively small. According to the MISO, for the electric transmission lines subject to this rule, there would be three awards for projects under competitive bidding in Iowa that were approved on or after July 1, 2024. This means there could be up to three companies that would have to comply with these rules. The number of miles of new electric transmission line impacted by these rules cannot be accurately predicted at this time because the projects have not yet been awarded by MISO. It is estimated the number of miles of new electric transmission impacted by this rulemaking will be in excess of 500 miles.

- **Qualitative description of impact:**

The qualitative impact of this rulemaking will be requiring a company to follow and file a land restoration plan as part of the permitting process with the Commission. The rules will also ensure that the company, landowners, and all Iowans know the requirements related to land restoration during the construction of these electric transmission lines.

3. **Costs to the State:**

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

The Commission will incur costs in conducting electric transmission line franchise contested cases and enforcing compliance with the land restoration plan. However, the requirement that the Commission conduct a franchise proceeding and enforce these provisions is not imposed by these new rules or amendments but instead is required by Iowa Code chapter 478.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

These rules will likely result in increased expenses for the companies that are required to follow them. However, ensuring these companies do not leave a lasting impact on the hundreds, if not thousands, of acres of Iowa farm land after construction appears to outweigh the costs borne by the companies.

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

The Commission does not believe there are any less costly methods of securing the public benefit associated with this proposed rulemaking.

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

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

While the Commission is required to commence this rulemaking pursuant to Iowa Code section 478.34, the Commission did consider proposing completely new language for the proposed rules that would have deviated from similar language found in 199—Chapter 9.

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

The Commission ultimately determined uniformity and consistency between the proposed chapter and the Commission's existing land restoration chapter (199—Chapter 9) would benefit landowners and the companies by reducing confusion between the two similar chapters.

Small Business Impact

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

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

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

There is no anticipated impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 199—Chapter 8:

CHAPTER 8
RESTORATION OF AGRICULTURAL LANDS
DURING ELECTRIC TRANSMISSION LINE CONSTRUCTION

199—8.1(478) General information.

8.1(1) *Authority and purpose.* Pursuant to Iowa Code section 478.34, this chapter establishes standards for the restoration of agricultural lands after the initial construction of an electric transmission line. These rules constitute the minimum standards for restoration of agricultural lands disturbed by electric transmission line construction. These rules do not apply to land located within city boundaries. When a land restoration plan is required pursuant to Iowa Code section 478.34, following notice and comment, the commission may impose additional or more stringent standards as necessary to address issues specific to the nature and location of the particular electric transmission line project.

8.1(2) *Definitions.* The definitions listed in Iowa Code section 478.34(1) are incorporated herein by reference. Words and terms not otherwise defined in this chapter or Iowa Code section 478.34(1) will have their usual meaning. For the administration and interpretation of this chapter, the following words and terms will have the following meanings:

"Agricultural land" means any land devoted to agricultural use, including but not limited to land used for crop production, cleared land capable of being cultivated, hay land, pasture land, managed woodlands and woodlands of commercial value, truck gardens, farmsteads, commercial agricultural-related facilities, feedlots, rangeland, livestock confinement systems, land on which farm buildings are located, and land used to implement management practices and structures for the improvement or conservation of soil, water, air, and related plant and animal resources.

"Drainage structures" or *"underground improvements"* means any permanent structure used for draining agricultural lands, including tile systems and buried terrace outlets.

"Electric transmission line construction" means activity associated with installation of an electric transmission line that disturbs agricultural land but does not include work performed during an emergency or tree clearing completed on land under easement with written approval from the landowner.

"Electric transmission line structure" means any foundation, pole, or other apparatus necessary for the installation or support of an electric transmission line.

"Emergency" means a condition involving clear and immediate danger to life, health, or essential services or a risk of a potentially significant loss of property. When the emergency condition ends, electric transmission line construction shall be in accordance with these rules.

"Soil conservation practices" means any land conservation practice recognized by federal or state soil conservation agencies, including but not limited to grasslands and grassed waterways, hay land planting, pasture, and tree plantings.

"Soil conservation structures" means any permanent structure recognized by federal or state soil conservation agencies, including but not limited to toe walls, drop inlets, grade control works, terraces, levees, and farm ponds.

"Surface drains" means any surface drainage system, such as shallow surface field drains, grassed waterways, open ditches, or any other conveyance of surface water.

"Till" means to loosen the soil in preparation for planting or seeding by plowing, chiseling, discing, or similar means. For the purposes of this chapter, agricultural land planted using no-till planting practices is also considered tilled.

"Wet conditions" means adverse soil conditions due to rain events, antecedent moisture, or ponded water, where the passage of construction equipment may cause rutting that mixes topsoil and subsoil, may prevent the effective removal or replacement of topsoil and subsoil, may prevent proper decompaction, or may damage underground tile lines. The ball test, the ribbon test, the amount of standing water within the easement, or other credible evaluation methods may be used to determine whether adverse soil conditions are present.

199—8.2(478) Filing of land restoration plans. Pursuant to Iowa Code section 478.34, a land restoration plan is required for electric transmission line construction and shall be filed with the appropriate petition and be identified as Exhibit I.

8.2(1) *Content of plan.* A land restoration plan shall include but not be limited to the following:

a. A brief description of the purpose and nature of the electric transmission line construction project.

b. A description of the sequence of events that will occur during electric transmission line construction.

c. A description of how the electric transmission owner will comply with rules 199—8.4(478) and 199—8.5(478).

d. The point of contact for landowner inquiries or claims as provided for in rule 199—8.6(478).

e. A unique identification number that follows a linearly sequential pattern on each parcel of land over which the electric transmission line will be constructed.

8.2(2) *Plan variations.* The commission may by waiver allow variations from the requirements in this chapter if the electric transmission owner requesting a waiver is able to satisfy the standards set forth in 7—Chapter 2504 and if the alternative methods proposed by the electric transmission owner would restore the land to a condition as good as or better than provided for in this chapter.

8.2(3) *Mitigation plans and agreements.* Preparation of a separate land restoration plan may be waived by the commission where an electric transmission owner enters into an agricultural impact mitigation plan or similar agreement with the appropriate agencies of the state of Iowa that satisfies the requirements of this chapter. If a mitigation plan or agreement is used to fully or partially meet the requirements of a land restoration plan, the statement or agreement shall be filed with the commission and will be considered to be, or to be part of, the land restoration plan for purposes of this chapter.

199—8.3(478) Procedure for review of plan.

8.3(1) *Timing.* The commission will review the proposed land restoration plan at the same time it reviews the petition. Objections to the proposed plan may be filed as part of the franchise proceeding. The electric transmission owner shall modify the plan as determined by the commission.

8.3(2) *Distributing approved plan.* After the commission has approved the plan as part of the commission's review and approval of the petition, but prior to construction, the electric transmission owner shall provide copies of the final plan approved by the commission to all landowners.

199—8.4(478) Clearing of agricultural land.

8.4(1) *Trees and brush.* If trees are to be removed from the easement, the electric transmission owner shall consult with the landowner to determine if there are trees of commercial or other value to the landowner.

a. If there are trees of commercial or other value to the landowner, the electric transmission owner shall allow the landowner the right to retain ownership of the trees with the disposition of the trees to be negotiated prior to commencement of land clearing or, if the landowner does not want to retain ownership of the trees, the electric transmission owner shall hire a forester with local expertise to appraise the commercial value of any timber to be cut for construction of the electric transmission line. The electric transmission owner shall compensate the landowner for the full appraised commercial value of any timber removed. The electric transmission owner shall remove all cleared trees and debris left on or adjacent to the easement.

b. If the trees to be cleared have been determined to have no commercial or other value to the landowner and there is no negotiated agreement between the electric transmission owner and the landowner for the disposition of the trees in advance of clearing of the easement, removal and disposal of the material shall be completed at the discretion of the electric transmission owner.

8.4(2) *Fencing.* The electric transmission owner may remove field fences and gates, located within the electric transmission line company's easement, during clearing of the easement and shall construct temporary fences and gates where necessary. Upon completion of the electric transmission line construction, the electric transmission owner shall replace any temporary field fences or gates with permanent field fences or gates that are in the same or better condition as those present prior to construction. The electric transmission owner and landowner may negotiate separate agreements regarding field fences and gates. If livestock is present, the electric transmission owner shall construct any temporary or permanent fences and gates in a manner that will contain livestock.

199—8.5(478) Restoration of agricultural lands.

8.5(1) *Temporary and permanent repair of drain tile.*

a. Electric transmission line clearance from drain tile. Where underground drain tile is encountered, the permanent tile repair shall be installed with at least 12 inches of clearance from the electric transmission line structure.

b. Temporary repair. The following standards shall be used to determine if temporary repair of agricultural drainage tile lines encountered during electric transmission line construction is required.

(1) Any underground drain tile damaged, cut, or removed and found to be flowing or that subsequently begins to flow shall be temporarily repaired as soon as practicable, and the repair shall be maintained as necessary to allow for its proper function during construction of the electric transmission line. The temporary repairs shall be maintained in good condition until permanent repairs are made.

(2) Any underground drain tile damaged, cut, or removed and found to not be flowing shall have the upstream exposed tile line screened or otherwise protected to prevent the entry of foreign material and small animals into the tile system. The downstream tile line entrance shall be capped or filtered to prevent entry of mud or foreign material into the line if the water level rises.

c. Marking. Any underground drain tile damaged, cut, or removed shall be marked by placing a highly visible flag directly over or opposite such tile. This marker shall remain until the tile has been permanently repaired.

d. Permanent repairs. Tile disturbed or damaged by electric transmission line construction shall be repaired to its original or better condition. Permanent repairs shall be completed as soon as

practicable after the initial construction has completed. Permanent repair and replacement of damaged drain tile shall be performed in accordance with the following requirements:

(1) All damaged, broken, or cracked tile shall be removed.

(2) Only unobstructed tile shall be used for replacement.

(3) The tile furnished for replacement purposes shall be of a quality, size, and flow capacity at least equal to that of the tile being replaced.

(4) Tile shall be replaced using a laser transit, or similar instrument or method, to ensure that the tile's proper gradient and alignment are restored, except where relocation or rerouting is required due to an electric transmission line structure.

(5) The replaced tile shall be firmly supported to prevent loss of gradient or alignment due to soil settlement.

e. Subsurface drainage. Subsequent to electric transmission line construction and permanent repair, if it becomes apparent the tile line in the area disturbed by construction is not functioning correctly or that the land adjacent to the electric transmission line is not draining properly, which can reasonably be attributed to the electric transmission line construction, the electric transmission owner shall make further repairs or install additional tile as necessary to restore subsurface drainage.

8.5(2) *Removal of rocks and debris from the easement.*

a. Removal. Soil excavated within the easement area shall be free of all rock larger than three inches in average diameter not native to the soil prior to excavation and free of all rocks, gravel or other nonnative surfaces used for an access road or an entrance in the easement area unless alternative arrangements have been made with the landowner. Where rocks over three inches in size are present, their size and frequency shall be similar to adjacent soil not disturbed by construction. In addition, the electric transmission owner shall examine areas adjacent to the easement and along access roads and shall remove any large rocks or debris that may have rolled or blown from the right-of-way or fallen from vehicles.

b. Disposal. Rock that cannot remain in or be used as backfill shall be disposed of at locations and in a manner mutually satisfactory to the electric transmission owner and the landowner. Soil from which excess rock has been removed may be used for backfill. All debris attributable to the electric transmission line construction and related activities shall be removed and disposed of properly. For the purposes of this rule, debris includes spilled oil, grease, fuel, or other petroleum or chemical products. Such products and any contaminated soil shall be removed for proper disposal or treated by appropriate in situ remediation.

8.5(3) *Restoration after soil compaction and rutting.*

a. Agricultural restoration. Agricultural land, including off right-of-way access roads traversed by heavy construction equipment, shall be deep tilled to alleviate soil compaction upon completion of construction on the property. At least three passes with the deep tillage equipment shall be made. Tillage shall be at least 18 inches deep in land used for crop production and 12 inches deep on other lands and shall be performed under soil moisture conditions that result in a maximum standard penetration test (SPT) reading of 300 psi pursuant to ASTM D1586/D1586M-18e1 as published on November 30, 2018, by a qualified person. Decompaction shall not occur in wet conditions. Upon agreement, this tillage may be performed by the landowners or tenants using their own equipment.

b. Rutted land restoration. Rutted land shall be graded and tilled until restored as near as practical to its preconstruction condition.

8.5(4) *Restoration of terraces, waterways, and other erosion control structures.* Existing soil conservation practices and structures damaged by the construction of an electric transmission line shall be restored to the elevation and grade existing prior to the time of the electric transmission line construction. Any drain tiles or flow diversion devices impacted by the electric transmission line construction shall be repaired or modified as needed. Soil used to repair embankments intended to retain water shall be well compacted. Disturbed vegetation shall be reestablished, including a cover crop when appropriate.

8.5(5) *Revegetation of untilled land.*

a. Crop production. Agricultural land not in row crop or small grain production at the time of construction, including hay ground and land in conservation or set-aside programs, shall be reseeded, including use of a cover crop when appropriate, following completion of deep tillage. The seed mix used shall restore the original or a comparable ground cover unless otherwise requested by the landowner. If the land is to be placed in crop production the following year, paragraph 8.5(5)*"b"* applies.

b. Delayed crop production. Agricultural land used for row crop or small grain production that will not be planted in that calendar year due to the electric transmission line construction shall be seeded with an appropriate cover crop following completion of deep tillage. However, cover crop seeding may be delayed if construction is completed too late in the year for a cover crop to become established and in such instances is not required if the landowner or tenant proposes to till the land the following year. The landowner may request ground cover where the construction is completed too late in the year for a cover crop to become established to prevent soil erosion.

c. Weed control. On any easement, the electric transmission owner shall provide for weed control in a manner that prevents the spread of weeds onto adjacent lands used for agricultural purposes. Spraying shall be done by a pesticide applicator that is appropriately licensed or certified for the spraying of pesticide in Iowa. If the electric transmission owner fails to control weeds within 45 days after receiving written notice from the landowner, the electric transmission owner shall be responsible for reimbursing all reasonable costs of weed control incurred by landowners of adjacent land.

8.5(6) *Restoration of land slope and contour.* Upon completion of construction, the slope, contour, grade, and drainage pattern of the disturbed area shall be restored as near as possible to its preconstruction condition. Excessive or insufficient settlement, which visibly affects land contour or undesirably alters surface drainage, shall be remediated by the electric transmission owner by means such as regrading and, if necessary, import of appropriate fill material. Disturbed areas in which erosion causes formation of rills or channels, or areas of heavy sediment deposition, shall be regraded as needed. On steep slopes, methods such as sediment barriers, slope breakers, or mulching shall be used as necessary to control erosion until vegetation can be reestablished.

8.5(7) *Restoration of areas used for field entrances or temporary roads.* Upon completion of construction and land restoration, field entrances or temporary roads built as part of the construction project shall be removed and the land made suitable for return to its previous use. Areas affected shall be regraded as required by subrule 8.5(6) and deep tilled as required by subrule 8.5(3). If by agreement, or at landowner request, and subject to any necessary approval by local public road authorities, a field entrance or road is to be left in place, it shall be left in a graded and serviceable condition.

8.5(8) *Construction in wet conditions.* Construction in wet soil conditions shall not commence or continue at times when or locations where the passage of heavy construction equipment may cause rutting to the extent that soils are mixed or underground drainage structures may be damaged. To facilitate construction in wet soils, the electric transmission owner may elect to install mats or padding or use other methods.

8.5(9) *Access to land.* Nothing in this rule shall prohibit a landowner or person in possession of the land pursuant to a lease from having access to the property. A landowner or person in possession of the land pursuant to a lease shall not disrupt ongoing construction and shall not compromise the safety considerations of the construction. A landowner or person in possession of the land pursuant to a lease shall abide by any and all safety instructions established by the electric transmission owner during construction.

199—8.6(478) Designation of an electric transmission owner point of contact for landowner inquiries or claims. For each electric transmission line construction project subject to this chapter, the electric transmission owner shall designate a point of contact for inquiries or claims from landowners. The designation shall include the name of an individual to contact and a toll-free telephone number,

an email address, and an address through which that person can be reached. The electric transmission owner shall also provide contact information for the commission. This information shall be provided to all landowners prior to commencement of construction. Any change in the point of contact shall be promptly communicated in writing to the landowners. A designated point of contact shall remain available for all landowners for at least one year following project completion, as described in 199—subrule 11.10(2), and for landowners with unresolved damage claims, until such time as those claims are settled.

199—8.7(478) Separate agreements. This chapter does not preclude the application of provisions for protecting or restoring property that are different from those contained in this chapter, or in a land restoration plan, which are contained in easements or other agreements independently executed by the electric transmission owner and the landowner. The alternative provision shall not be inconsistent with state law or these rules. The agreement shall be in writing, and the electric transmission owner shall provide a copy to the commission.

199—8.8(478) Notice of violation and halting construction.

8.8(1) *Notice of dispute.* If a dispute arises between a landowner and an electric transmission owner regarding the land restoration plan required by Iowa Code section 478.34, construction shall immediately halt at the disputed location, if applicable, and the electric transmission owner or landowner shall immediately notify the commission.

8.8(2) *Qualified individual examination.* Upon receipt of a dispute, the commission shall, within two business days, send a qualified individual to examine the disputed issue. The qualified individual shall give verbal notice, followed by written notice, to the electric transmission owner and the electric transmission owner's contractor. The qualified individual's written notice shall be filed with the commission within two business days of completing the examination.

8.8(3) *Dispute resolution.* The commission shall issue an order directing the electric transmission owner to make any necessary remedies to ensure the electric transmission owner is in compliance with the approved land restoration plan within seven business days of receiving the qualified individual's written notice. Construction shall not commence at the disputed location until the commission's order has been issued. Once the order is issued, the electric transmission owner shall take all appropriate steps to remedy the disputed issue. If the landowner or electric transmission owner appeals the commission's initial order, construction may continue; however, the electric transmission owner will be responsible for any damages or for correcting any violation.

8.8(4) *Multiple or subsequent disputes.* Nothing in this rule shall limit the number of disputes between a landowner and electric transmission owner. Nothing in this rule shall limit a landowner's ability to file a subsequent dispute on remediations or actions taken by the electric transmission owner related to the commission's order in subrule 8.8(3).

199—8.9(478) Postconstruction inspection. An electric transmission line owner shall provide notice to the commission within five business days after the restoration of agricultural land is completed after construction. The commission shall promptly send a qualified individual to inspect the agricultural land to ensure compliance with the approved land restoration plan or separate agreement. The qualified individual shall promptly file a postconstruction inspection report detailing any issues or concerns with the land restoration completed by the electric transmission owner.

199—8.10(478) Enforcement. An electric transmission owner shall fully cooperate with qualified individuals in the performance of their duties under Iowa Code section 478.34. If the electric transmission owner or its contractor does not comply with the requirements of Iowa Code section 478.34, with the land restoration plan, or with an independent agreement on land restoration, the commission may impose civil penalties pursuant to Iowa Code section 478.29.

These rules are intended to implement Iowa Code chapter 478.

ITEM 2. Amend subrule 11.5(1) as follows:

11.5(1) *Petition and exhibits.* A petition for a new franchise shall be filed on forms prescribed by the commission, be notarized, and have all required exhibits attached. The petition shall be attested to by an officer, official, or attorney with authority to represent the electric company. The following exhibits shall be filed with the petition:

a. to *h.* No change.

i. Exhibit I. If an electric transmission line, as defined in Iowa Code section 478.34, is proposed, a land restoration plan shall be prepared and filed as provided in 199—Chapter 8.

~~*i.*~~ *j. Exhibit ~~I~~ J.* This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the noise limit set by 199—subrule 25.6(1). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

~~*j.*~~ *k. Exhibit ~~J~~ K.* This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the maximum electric field strength limit set by 199—subrule 25.6(2). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

~~*k.*~~ *l. Other exhibits.* The commission may require filing of additional exhibits if further information is deemed necessary.

ADMINISTRATIVE SERVICES DEPARTMENT

Public Notice

NOTICE OF OFFICIAL PUBLICATION RATE INCREASE FOR THE FISCAL YEAR COMMENCING JULY 1, 2026, AND ENDING JUNE 30, 2027

In accordance with Iowa Code section 618.11, the Iowa Department of Administrative Services Director hereby publishes the lineage rate* for newspaper publications of any order, citation, or other publication required or allowed by law (also known as official publications) for the period commencing on July 1, 2026, and ending on June 30, 2027, in the following amounts:

* Lineage rate: "…each line of eight point type two inches in length, or its equivalent." (Iowa Code section 618.11)

One insertion = 65.3 cents
Each subsequent insertion = 44.1 cents

The rate becomes effective on July 1, 2026. The rate was determined by applying the formula specified in the statute. According to the federal Department of Labor, Bureau of Labor Statistics, the consumer price index for all urban consumers increased 3.8% for the 12 months ended April 2026. The April index was the most recent index available as of May 12, 2026, the date this notice was submitted for publication.

Pursuant to Iowa Code section 618.11, the calculation and publication of the rate by the Director of the Department of Administrative Services shall be exempt from the provisions of Iowa Code chapters 17A and 25B.

If you have questions regarding this notice, please contact:

Mark Campbell, Director
Department of Administrative Services
1305 East Walnut Street, Third Floor
Des Moines, Iowa 50319
Telephone: 515.720.6176
Email: mark.campbell@das.iowa.gov

ARC 0410D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to the civil commitment unit for sexual offenders and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 31, "Civil Commitment Unit for Sexual Offenders," Iowa Administrative Code, and to adopt a new Chapter 31 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 229A.15B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 229A.

Purpose and Summary

This proposed rulemaking outlines requirements for patients at the Civil Commitment Unit for Sexual Offenders (CCUSO). CCUSO provides a secure, long-term, and highly structured setting to treat sexually violent predators who have served their prison terms but who, in a separate civil trial, have been found likely to commit further violent sexual offenses.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of that review, the Department removed duplicative and outdated information and restrictive terms, where appropriate.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 27, 2026. A public hearing was held on the following date(s):

- June 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 Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

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 July 28, 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:

July 28, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 291 340 678 349 357 Passcode: LT7oc32E
July 28, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 276 797 945 275 150 Passcode: wC6db7Lu

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 31 and adopt the following **new** chapter in lieu thereof:

CHAPTER 31
CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS

441—31.1(229A) Definitions.

"Contraband" means weapons; ammunition; tobacco; alcohol; drugs; money; altered authorized property; mood-altering plant materials or chemicals; obscene materials as defined in Iowa Code section 728.1(5); explosives; materials that can be used in the manufacture of explosives; or materials advocating disruption of or injury to patients, employees, programs, or physical facilities. "Contraband" includes anything that is illegal to possess under federal or state law and materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs. "Contraband" also includes anything determined to be banned from individual possession by published facility rules.

"Facility" means the civil commitment unit for sexual offenders (CCUSO).

"Grievance" means a written complaint by or on behalf of a patient that involves a rights or rule violation or unfairness to the patient.

"Guardian" means the person other than a parent of a child who has been appointed by the court to have custody of the person of the patient as provided under Iowa Code section 232.2(26) or 633.3(22).

"Institutional superintendent" means the person appointed as the administrator of CCUSO.

"Patient" means a person who has been committed to CCUSO under Iowa Code chapter 229A.

441—31.2(229A) Visitation. CCUSO will maintain policies and procedures for visitation for patients.

441—31.3(229A) Grievances. CCUSO will maintain policies and procedures for patients to file a grievance. A patient's family or guardian may file a grievance on the patient's behalf.

441—31.4(229A) Photographing and recording patients. CCUSO will utilize video surveillance for security and investigations. Photographing and video and audio recording of patients for any other purpose are subject to CCUSO's policies and procedures for prior authorization.

441—31.5(229A) Public media. Photographs and video and audio recordings by public media inside the facility and of patients will be permitted only with the prior authorization of the institutional superintendent and of the patient or the patient's guardian.

31.5(1) For the security or confidentiality of other patients, the institutional superintendent may limit the scope of what is photographed or recorded.

31.5(2) Public media representatives authorized to take photographs or recordings shall make every effort to preserve the inherent dignity of the patient and to preclude the exploitation or embarrassment of the patient.

441—31.6(229A) Communication with patients.

31.6(1) *Incoming telephone calls.* CCUSO does not allow patients to receive incoming telephone calls.

31.6(2) *Outgoing telephone calls.* CCUSO will maintain policies and procedures for patients to make outgoing telephone calls.

31.6(3) *Attorney contacts.* A patient's attorney shall have the right to visit or have telephone contact with the patient at any reasonable time. The patient shall have the right to call the individual's attorney during normal business hours and at other times with the consent of the attorney. The patient or the attorney shall be responsible for any costs associated with the call.

31.6(4) *Interviews.* Interviews of a patient by the news media or other outside persons or groups shall be permitted only with the prior consent of the patient or the patient's guardian. Requests for interviews shall be made to the institutional superintendent.

31.6(5) *Mail and packages.* CCUSO will maintain policies and procedures for incoming and outgoing mail, including a policy that correspondence is not permitted between a patient and a patient's victim, a registered sex offender, or another patient residing at CCUSO. Should mail or packages be rejected by the facility for any reason, such as containing contraband, being a security risk, or being counter-therapeutic, notice will be provided to the sender and the recipient via the CCUSO form Notice of Rejection of Mail within two business days.

441—31.7(229A) Building and grounds. The facility's building and grounds are not available for general public use.

441—31.8(229A) Cost of care. The facility will seek to recover the full cost or a portion of the cost of care from the patient or another responsible person. The cost of the patient's care will be determined for each fiscal year included in the length of stay using the average per diem cost multiplied by the total number of days of care.

31.8(1) *Social security benefits.* The facility will seek recovery from the patient when the patient receives a benefit pursuant to the Social Security Act as amended to August 1, 2026. In such case, the patient will be allowed to retain for personal use an amount equal to the personal allowance amount established by the Social Security Administration.

31.8(2) *Other income.* The facility will seek recovery from the patient when the patient has other income; a trust fund; individually owned real estate, stocks, or bonds; an individually owned savings account, checking account, or certificate of deposit; an individual retirement account; or proceeds from the disposal of real estate or other property.

31.8(3) *Other person legally liable.* The facility will seek recovery from a person who is legally liable for the support of the patient up to the amount of the person's legal liability. The facility will seek recovery from a person who is bound by contract to support the patient up to the amount of the contract. A person legally liable to support the patient does not include a political subdivision.

These rules are intended to implement Iowa Code section 229A.15B.

ARC 0406D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to contested cases before the plumbing and mechanical systems board and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 427, "Plumbing and Mechanical Systems Board—Administrative and Regulatory Authority," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 105.4.

State or Federal Law Implemented

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

Purpose and Summary

Pursuant to 2026 Iowa Acts, Senate File 2463, section 5, subsection (2)"b," this proposed rulemaking has been determined to be necessary to enhance procedures related to contested cases before the Plumbing and Mechanical Systems Board. This proposed rulemaking supplements the Uniform Rules on Agency Procedure in a way that assists both licensees and the Board and modifies the Board's administrative and regulatory authority rules to supplement the agency's uniform rules on contested case provisions found in 481—Chapter 506.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 July 28, 2026. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@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 0405D**, IAB 7/8/26). 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 0440D

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Notice of Intended Action

Proposing rulemaking related to employers and providing an opportunity for public comment

The Iowa Public Employees' Retirement System (IPERS) hereby proposes to amend Chapter 4, "Employers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 97B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 97B and 2026 Iowa Acts, House File 1023.

Purpose and Summary

This proposed rulemaking is intended to implement the relevant provisions of recently enacted 2026 Iowa Acts, House File 1023, "an Act relating to benefits and contributions for members of the Iowa public employees' retirement system who are employed in a protection occupation." The Act enhances benefits for such members and outlines a new contribution rate split between employers and members, outlines an increase in the multiplier maximum to 80 percent with 30 years of service and makes class retirees meeting specific criteria eligible for a 1.5 percent annual compounding cost-of-living adjustment. Pursuant to the Iowa Code, contribution rates must be published and made effective by July 1 of each fiscal year, which requires emergency rulemaking in this instance.

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 IPERS for a waiver of the discretionary provisions, if any, pursuant to 495—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by IPERS no later than 4:30 p.m. on July 29, 2026. Comments should be directed to:

Cheryl Vander Hart
Iowa Public Employees' Retirement System
7401 Register Drive
Des Moines, Iowa 50321
Phone: 515.281.7623
Email: cheryl.vanderhart@ipers.org

Public Hearing

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

July 29, 2026	IPERS
10:30 to 11 a.m.	7401 Register Drive
	Des Moines, Iowa
	And via videoconference call:
	teams.microsoft.com/meet/245160178553740?p=P12CzweO88XukDsniu
	Meeting ID: 245 160 178 553 740
	Passcode: mX6dD2xc

Persons who wish to make oral comments at the 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 the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact IPERS 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).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0441D**, IAB 7/8/26). 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 0443D

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Notice of Intended Action

Proposing rulemaking related to modifications of the uniform rules on agency procedure and providing an opportunity for public comment

The Iowa Public Employees' Retirement System (IPERS) hereby proposes to adopt new Chapter 2503, "Declaratory Orders," Chapter 2504, "Rule Waivers," and Chapter 2506, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This proposed rulemaking modifies the Uniform Rules on Agency Procedure related to declaratory orders (7—Chapter 2503), rule waivers (7—Chapter 2504), and contested cases (7—Chapter 2506) to exempt certain topics from which IPERS will not issue a declaratory order, add issues upon which IPERS will not grant waivers, and ensure that claims governed by Iowa Code chapter 97B are governed by the administrative procedures of Iowa Code chapter 97B and not certain contested case provisions of 7—Chapter 2506.

Exemptions from declaratory orders are necessary to preserve the integrity of IPERS' administration of the retirement system. Adoption of this rulemaking will allow IPERS to ensure questions brought before IPERS are answered based on current law and within the bounds of Iowa Code chapter 97B.

IPERS is a qualified governmental plan and must administer the retirement system according to its plan document. Adding issues upon which IPERS will not grant waivers will allow IPERS to ensure it remains a qualified plan.

The new Uniform Rules on Agency Procedure create an inconsistency between certain contested case provisions and the appeals procedure established under Iowa Code chapter 97B. Adoption of this rulemaking will allow IPERS to ensure that any appeal arising under Iowa Code chapter 97B has clear direction as to the appropriate procedural requirements.

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 IPERS for a waiver of the discretionary provisions, if any, pursuant to 495—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by IPERS no later than 4:30 p.m. on July 29, 2026. Comments should be directed to:

Cheryl Vander Hart
Iowa Public Employees' Retirement System
7401 Register Drive
Des Moines, Iowa 50321
Phone: 515.281.7623
Email: cheryl.vanderhart@ipers.org

Public Hearing

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

July 29, 2026	IPERS
11:30 a.m. to 12 noon	7401 Register Drive
	Des Moines, Iowa

And via videoconference call:
teams.microsoft.com/meet/236293163589875?p=SufRJi6HPIHyhoM5tG
Meeting ID: 236 293 163 589 875
Passcode: Vs3CU3c2

Persons who wish to make oral comments at the 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 the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact IPERS 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).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0442D**, IAB 7/8/26). 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 0409D

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rulemaking related to trail cameras and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 51, "Game Management Areas," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 455A.5(6)"a" and 481A.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 456A.24(2)"a," 481A.6 and 481A.39.

Purpose and Summary

The proposed rulemaking defines "trail camera" and prohibits the use of trail cameras on game management areas (GMAs), except when specifically authorized by permit or when used directly by the Department of Natural Resources (Department) or its designated agents. This prohibition is consistent with the ethical hunting principle of fair chase, ensuring that a hunter does not gain an improper or unfair technological advantage over game. Furthermore, the proliferation of trail cameras has generated numerous concerns and complaints from the public. This measure will protect the recreational experience of sportsmen and sportswomen and other visitors to these wild areas.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026. A public hearing was held on the following date(s):

- May 19, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa. There are no associated compliance costs since the proposed amendments only restrict the use of a particular piece of equipment. The only costs are related to education and enforcement, and those costs will be borne by the Department.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 July 28, 2026. Comments should be directed to:

Chris Ensminger
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.250.6886
Email: chris.ensminger@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at chris.ensminger@dnr.iowa.gov.

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

Public Hearing

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

July 28, 2026 1 to 2 p.m.	Suite 200 6200 Park Avenue Des Moines, Iowa

Persons who wish to make oral comments at the 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 the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Free language assistance: If you need assistance in a language other than English, contact the Department at chris.ensminger@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.210.3408 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al chris.ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.210.3408 al menos siete días antes del evento.

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. Adopt the following **new** definition of "Trail camera" in rule **571—51.1(481A)**:

"Trail camera" or *"game camera"* means any remote motion-activated or infrared camera in which the shutter is activated by sound triggers, proximity sensation, radio transmitters, or a self-timer built into the trail or game camera.

ITEM 2. Amend rule 571—51.6(481A), catchwords, as follows:

571—51.6(481A) Use of blinds, ~~and~~ decoys, and trail cameras on game management areas.

ITEM 3. Adopt the following **new** subrule 51.6(5):

51.6(5) *Trail cameras.* Trail cameras are prohibited on game management areas unless specifically authorized by permit or when used directly by the department or its designated agents.

ARC 0429D

NATURAL RESOURCES DEPARTMENT[561]

Notice of Intended Action

Proposing rulemaking related to public records and fair information practices and providing an opportunity for public comment

The Natural Resources Department (Department) hereby proposes to rescind Chapter 2, "Public Records and Fair Information Practices," and to adopt a new Chapter 2505, "Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 17A.24 and 22.11 and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.24 and 22.11.

Purpose and Summary

This rulemaking modifies the Uniform Rules on Agency Procedure related to fair information practices (7—Chapter 2505) to ensure that business confidential records are properly processed and stored by the Department. This rulemaking is also proposed in accordance with 2026 Iowa Acts, Senate File 2463, in which the portions of Chapter 2 relating to personally identifiable information were not rescinded. In an effort to consolidate all Department rules regarding fair information practices, the content related to personally identifiable information is being moved to Chapter 2505. This will allow for existing Chapter 2 to be rescinded.

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 7—Chapter 2504.

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 August 12, 2026. Comments should be directed to:

Kelli Book
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.210.3408
Email: kelli.book@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at kelli.book@dnr.iowa.gov.

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

Public Hearing

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

August 12, 2026 1 to 2 p.m.	Backbone Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa

Persons who wish to make oral comments at the 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 the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Free language assistance: If you need assistance in a language other than English, contact the Department at kelli.book@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.326.0430 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al kelli.book@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.326.0430 al menos siete días antes del evento.

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 0433D**, IAB 7/8/26). 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 0430D

NATURAL RESOURCES DEPARTMENT[561]

Notice of Intended Action

Proposing rulemaking related to contested cases and providing an opportunity for public comment

The Natural Resources Department (Department) hereby proposes to adopt new Chapter 2506, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 17A.24 and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

The proposed amendment modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that the deadline for administrative appeals has a definitive date.

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 7—Chapter 2504.

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 August 12, 2026. Comments should be directed to:

Kelli Book
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.210.3408
Email: kelli.book@dnr.iowa.gov

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Public Hearing

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

August 12, 2026 1 to 2 p.m.	Backbone Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa

Persons who wish to make oral comments at the 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 the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Free language assistance: If you need assistance in a language other than English, contact the Department at kelli.book@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.326.0430 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al kelli.book@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.326.0430 al menos siete días antes del evento.

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 0432D**, IAB 7/8/26). 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 0411D

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to emergency medical services and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 131, "Emergency Medical Services—Providers—Initial Certification—Renewal and Reactivation—Authority—Complaints and Investigations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 147A and 147D and section 272C.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147A and 147D and section 272C.4.

Purpose and Summary

This proposed rulemaking updates and streamlines Iowa's certification, renewal, and continuing education requirements for Iowa emergency medical services (EMS) workers. Key changes include modernizing the continuing education hours (CEHs) structure, reactivation pathways, and background check process, as well as an updated scope of practice. These proposed amendments will help ensure compliance with national EMS standards, reduce administrative complexity, and reinforce consistent statewide practice expectations. Adoption of updated rules will support a more competent and better-prepared EMS workforce.

Specifically, this proposed rulemaking:

- Modernizes the continuing education structure by adding pediatric CEH requirements and allowing half-hour CEHs.
- Updates the background check process by reflecting the use of digital fingerprints and removing the outdated card-based system.
- Updates references to the Iowa Emergency Medical Care Provider Scope of Practice for EMS workers to the most current version.
- Restructures reactivation pathways, eliminating the 25- to 48-month reactivation option and redirecting impacted individuals to the National Registry of Emergency Medical Technicians (NREMT) knowledge assessment for reactivation.
- Updates the fee for returned payments from $15 to $40 to align with the ongoing Department of Inspections, Appeals, and Licensing (DIAL) alignment initiative.
- Updates the continuing education audit documentation deadlines from 45 days to 30 days to align with the ongoing DIAL alignment initiative.
- Updates language pertaining to certification denial or sanctions based upon feedback received from an administrative law judge regarding fraud.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 27, 2026. A public hearing was held on the following date(s):

- June 16, 2026

Fiscal Impact

Although the returned check fee is increasing from $15 to $40, in calendar year 2025, there were no returned checks. As such, the Department does not expect a fiscal impact from this change.

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 2504.

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 July 28, 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

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

July 28, 2026	Microsoft Teams
10 to 10:30 a.m.	Meeting ID: 291 340 678 349 357
	Passcode: LT7oc32E

Persons who wish to make oral comments at the 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 the 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. Amend rule **641—131.1(147A,147D,272C)**, definitions of "CEH" and "Core continuing education," as follows:

"CEH" means continuing education hour, which is based upon ~~a minimum of~~ 50 minutes of training per hour. Fifty minutes equals one CEH, and 30 minutes equals one-half CEH.

"Core continuing education" means education obtained during a certification period to renew certification. Core continuing education will have an assigned sponsor number from CAPCE, an authorized EMS training program, ~~the board of nursing, the board of medicine~~ or the department.

ITEM 2. Amend subrule 131.2(1) as follows:

131.2(1) An individual who has successfully completed the training program requirements at the EMR, EMT, AEMT or paramedic level and has a valid certification with NREMT shall submit the following to the department for initial Iowa emergency medical care provider certification:

a. A completed EMS certification application.

b. An NREMT active certification number.

c. Payment of the initial application fee.

d. ~~Two completed fingerprint cards for background checks.~~ A completed background check.

~~*e.* Payment of the background check fee.~~

ITEM 3. Amend subrule 131.4(2) as follows:

131.4(2) *Scope of practice.*

a. No change.

b. The Iowa Emergency Medical Care Provider Scope of Practice ~~(September 2019)~~ as amended to September 1, 2026, is hereby incorporated and adopted by reference for emergency medical care providers. For any differences that may occur between the scope of practice adopted by reference and

these rules, the rules prevail. The Iowa Emergency Medical Care Provider Scope of Practice as amended to September 1, 2026, is available on the department's website.

~~*c.* The Iowa Emergency Medical Care Provider Scope of Practice (September 2019) is available on the department's website.~~

~~*d.*~~ *c.* The department may grant a waiver for changes to the scope of practice that have not yet been adopted by reference in these rules pursuant to 441—Chapter 2504.

ITEM 4. Amend subrule 131.5(4) as follows:

131.5(4) *Reactivation of an inactive certification.*

a. Certification inactive up to 24 months. An emergency medical care provider may apply to reactivate an inactive certification up to 24 months after the certification became inactive.

(1) No change.

(2) If the department approves the application, the individual must submit ~~an audit report form with 36~~ core continuing education hours ~~prorated per lapsed year by core topic area~~ based upon the table in paragraph 131.5(7)*"a"* for the level of EMS certification requested for reactivation, a completed background check, and the reactivation fee. The core CEHs and the background check shall be completed after the department receives and approves the reactivation application.

(3) No change.

(4) An emergency medical care provider who fails to complete the reactivation process within 12 months from the date of application ~~approval must reapply for reactivation of the inactive certification~~ will not be eligible for reactivation.

~~*b. Certification inactive from 25 months to 48 months.* An emergency medical care provider may apply to reactivate an inactive certification that has been inactive for 25 months but no more than 48 months.~~

~~(1) An individual will submit to the department an EMS certification reactivation application, which is available from the department upon request.~~

~~(2) If the department approves the application, the individual must submit documentation of successful completion of an approved EMS refresher course that includes successful completion of department or NREMT testing requirements. In addition, the individual must:~~

~~1. Complete fingerprint requirements.~~

~~2. Submit reactivation and background check fees.~~

~~3. Upon receipt and approval of the items required in subparagraphs 131.5(4)*"b"*(1) and (2), the department may issue a new certification.~~

~~4. An emergency medical care provider who fails to complete the reactivation process within 12 months from the date of application approval must reapply for reactivation of the inactive certification.~~

~~*c.*~~ *b. Certification inactive for more than ~~48~~ 24 months.* An emergency medical care provider ~~may not~~ cannot apply to reactivate a certification that has been inactive for more than ~~48~~ 24 months. An emergency medical care provider who has been inactive for more than 24 months may complete the NREMT reentry requirements and apply for certification in accordance with subrule 131.2(1).

ITEM 5. Amend subrule 131.5(6) as follows:

131.5(6) *Fees.* The nonrefundable fees are as follows:

a. to *g.* No change.

h. Returned payment due to insufficient funds: ~~$15~~ $40.

i. No change.

ITEM 6. Amend subrule 131.5(7) as follows:

131.5(7) *Continuing education renewal.*

a. The table below illustrates the minimum number of core ~~continuing education hours (~~CEHs~~)~~ by topic area for each level of emergency medical care provider to renew an Iowa EMS certification.

Core Topics	EMR/FR	EMT/EMT-D	AEMT	PM
Airway, Respirations, Ventilations	~~1~~ 1.5	~~1~~ 4	~~2~~ 5	~~3~~ 6
Cardiology	2	~~6~~ 5	~~7~~ 6	~~9~~ 7

Trauma	1	~~2~~ 3	~~3~~ 4	~~3~~ 5
Medical	~~3~~ 2.5	6	~~8~~ 7	~~9~~ 8
Operations	1	~~5~~ 2	~~5~~ 3	~~6~~ 4
Pediatric	1	2	3	4
Totals	**~~8~~ 9**	**~~20~~ 22**	**~~25~~ 28**	**~~30~~ 34**

b. All core continuing education hours issued by an Iowa EMS training program, the department, or CAPCE used to renew an Iowa EMS certification must have a sponsor number ~~by an authorized Iowa training program, the department, the board of nursing, the board of medicine, or CAPCE~~ before the emergency medical care provider attends the offering.

c. to *e.* No change.

f. A group of emergency medical care providers will be audited for each certification period. Emergency medical care providers to be audited will be chosen in a random manner or at the discretion of the department. Falsifying reports or failure to comply with the audit request may result in formal disciplinary action. ~~Those audited must submit a department-provided audit report form within 45 days of the request.~~ If audited, within 30 days from the date of request for audit, the emergency medical care provider must provide a copy of the course completion certification or other verifying documentation that contains the following information at a minimum:

(1) No change.

(2) Program sponsor number (if applicable).

(3) and (4) No change.

ITEM 7. Amend subrule 131.5(8) as follows:

131.5(8) *Continuing education approval.* The following standards apply for approval of continuing education:

a. CEHs issued by CAPCE, an authorized EMS training program, or the department will have an assigned sponsor number ~~from CAPCE, an authorized EMS training program, the board of nursing, the board of medicine or the department~~ before the emergency medical care provider attends the offering.

b. No change.

c. Courses must be, at a minimum, 30 minutes in duration (one-half CEH). Multi-hour courses are granted credit in half-hour increments (e.g., one hour and 30 minutes = one and one-half CEHs).

d. Continuing education courses that are accepted by the board of nursing and the board of medicine that are directly related to EMS patient care and apply to the core continuing education topics will be accepted.

ITEM 8. Amend paragraph **131.6(4)"e"** as follows:

e. ~~Fraud~~ Misrepresentation in procuring certification or renewal, including but not limited to:

(1) ~~An intentional~~ A perversion of the truth in making application for a certification to practice in this state;

(2) and (3) No change.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the following interest rates of interest for public obligations and special assessments have been established. The usury rate for July is 6.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective July 9, 2026, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum 1.55%
180-364 days	Minimum 1.50%
One year to 397 days	Minimum 1.75%
More than 397 days	Minimum 1.90%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Roby Smith, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 0407D

WORKERS' COMPENSATION DIVISION[876]

Notice of Intended Action

Proposing rulemaking related to modifications of the uniform rules on agency procedure and providing an opportunity for public comment

The Workers' Compensation Division hereby proposes to rescind Chapter 9, "Public Records and Fair Information Practices," and to adopt a new Chapter 2506, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 10A.310(1)"a," Iowa Code chapter 17A, and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 10A, 17A, 85, 85B, and 87.

Purpose and Summary

The Division proposes to rescind Chapter 9. Pursuant to recently enacted 2026 Iowa Acts, Senate File 2463, the Division adopts the Uniform Rules on Agency Procedure but specifically does not adopt certain specifically identified Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506). The Division proposes to adopt emergency rules pertaining to contested cases to maintain procedural rights and guarantees within the Iowa workers' compensation system that have developed over more than a century and offer greater protections than those outlined in the Uniform Rules on Agency Procedure.

With respect to the Division's rejection of certain Uniform Rules on Agency Procedure and the adoption of new Chapter 2506, related to contested case hearings, the purpose is to ensure greater procedural protections for parties than are afforded in the Uniform Rules on Agency Procedure. The Division further intends for the rules adopted in Chapter 2506 to provide clear deadlines for the administration of contested cases before the agency, comply with statutory deadlines for alternate medical care hearings, and reduce confusion for litigants with significant changes in deadlines and procedures in contested cases before the Division.

The Division's current structure and procedures operate more like district court proceedings than typical agency contested case proceedings. The vast majority of litigants appearing before the Division are represented by counsel. Counsel appearing before the Division are highly specialized and knowledgeable about the procedures involved in the workers' compensation process. Significant changes to the Division's contested case procedures will have significant impact upon those practitioners, injured workers, businesses, insurers, and the Second Injury Fund appearing before the Division. For litigants that elect to proceed pro se before the Division, the contested case rules adopted provide minimum procedural rights to ensure production and exchange of information prior to a formal hearing before the agency.

Contested cases coming before the Division vary in significant ways from contested cases before other state agencies. First, most of the Division's contested cases are brought by private citizens against their employer and/or its insurance carrier. Contested cases before the Division do not begin with governmental action. Instead, cases are initiated pursuant to Iowa Code section 85.26(3) by the filing of an original notice and petition. The Division's arbitration cases and review-reopening cases involve significant discovery and typically take approximately one year from the original notice and petition until a contested case hearing occurs.

Practical rules have been adopted over the decades to make the workers' compensation contested case process as efficient as possible. The Division seeks to repromulgate many of those rules for efficiency, which are not contained in the Uniform Rules on Agency Procedure. For instance, the Division adopts emergency rules that mandate automatic service of medical records between parties. The emergency rules ensure admissibility of medical records and reports without laying foundation for such evidence or requiring depositions of treating medical providers to admit their opinions. These rules serve as efficiencies within our system and significantly reduce time and cost for the parties. Failure to adopt these rules on an emergency basis would have a detrimental impact on the efficiency of the workers' compensation system and on the ultimate expense to the litigants appearing before the Division.

The Division also handles different types of contested cases that do not easily fit within the Uniform Rules on Agency Procedure. Alternate medical care hearings are governed by a statutory deadline. More information can be found in Iowa Code section 85.27. The Uniform Rules on Agency Procedure would not permit the Division to comply with the statutory deadline. Similarly, the Division is tasked with hearing health service (medical fee) disputes as well as applications for vocational training pursuant to Iowa Code section 85.70(2). Neither fits easily within the Uniform Rules on Agency Procedure, and specialized rules are necessary.

The Division has modernized and implemented an electronic filing system. The Division opts out of some of the Uniform Rules on Agency Procedure because they are not consistent with the operational abilities of the Division's current electronic filing system. Failure to implement emergency rules would require significant upgrade to, or modification of, the Division's computer filing system. Use of the

Uniform Rules on Agency Procedure would require unnecessary duplication of efforts for service of documents that are automatically served on all parties when electronically filed.

For instance, the provisions of 7—subrule 2506.12(5) would require all documents exchanged by the parties to be filed with the Division. The Division's server literally could not host the hundreds of thousands of medical records, tax returns, personnel files, and discovery responses exchanged by parties every year and would require a significant upgrade with a significant fiscal impact to the Division not contemplated within its budgetary constraints. Maintaining a vast quantity of unnecessary medical records, tax records, and personnel files would also pose an unnecessary risk of disclosure of personally identifiable information of users of the Iowa workers' compensation system.

The Division has determined that there is a need for continuity in the handling of its cases, including deadlines, procedures, and discovery rights. The Division has determined that the need to avoid a significant fiscal impact requires adopting emergency rules. The Division has determined that compliance with statutory deadlines also requires the adoption of emergency rules. Therefore, the Division opts out of certain Uniform Rules on Agency Procedure and adopts other rules on an emergency basis.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Division no later than 4:30 p.m. on July 28, 2026. Comments should be directed to:

William H. Grell
Interim Workers' Compensation Commissioner
Iowa Workers' Compensation Division
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.829.5993
Email: william.grell@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 0408D**, IAB 7/8/26). 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 0405D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed Emergency

Rulemaking related to contested cases before the plumbing and mechanical systems board

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 427, "Plumbing and Mechanical Systems Board—Administrative and Regulatory Authority," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 105.4.

State or Federal Law Implemented

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

Purpose and Summary

Pursuant to 2026 Iowa Acts, Senate File 2463, section 5, subsection (2)"b," this rulemaking has been determined to be necessary to enhance procedures related to contested cases before the Plumbing and Mechanical Systems Board. This rulemaking supplements the Uniform Rules on Agency Procedure in a way that assists both licensees and the Board and modifies the Board's administrative and regulatory authority rules to supplement the agency's uniform rules on contested case provisions found in 481—Chapter 506.

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. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

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 June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 19, 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 0406D** to allow for public comment.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 June 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** rule 481—427.6(17A):

481—427.6(17A) Contested cases. Contested cases are governed by 481—Chapter 506.

ITEM 2. Adopt the following **new** rule 481—427.7(17A):

481—427.7(17A) Decisions.

427.7(1) *Final decisions.* When a quorum of the board presides over the reception of evidence at a hearing, its decision is a final decision. A majority of the members constitutes a quorum. Final decisions will be served on the parties in accordance with 481—subrule 506.13(2). Final decisions of the board, including consent agreements and consent orders, are public documents pursuant to Iowa Code chapter 22.

427.7(2) *Proposed panel decisions.*

a. Panel of specialists. When a panel of three specialists presides over the hearing, the panel will issue a proposed decision that will include findings of fact but will not include conclusions of law or any recommendation for or against the discipline for a licensee. A proposed decision of a panel of specialists, together with a transcript of the proceedings and the exhibits presented, will be reviewed by the board within 30 days of the date the proposed decision was issued.

b. Panel of board members. When a panel of three or more board members presides over the hearing, the panel will issue a proposed decision that will include proposed findings of fact, conclusions of law, and the order. A proposed panel decision will be reviewed by the board within 30 days of the date the proposed panel decision was issued. A proposed panel decision becomes a final decision without further proceedings unless appealed in accordance with paragraph 427.7(2)*"c."*

c. Appeal of proposed panel decisions. A proposed panel decision pursuant to paragraph 427.7(2)*"a"* or *"b"* may be appealed to the full board by either party by serving on the executive officer, either in person or by certified mail, a notice of appeal within 30 days after service of the proposed decision on the appealing party. The notice of appeal shall specify the party initiating the appeal, the proposed decision or order appealed, the specific findings or conclusions to which exception is taken and any other exceptions to the decision or order, the relief sought, and the grounds for relief.

(1) Following receipt of a notice of appeal, the board will enter an order establishing a schedule for submission of briefs and oral argument. The parties shall serve their briefs on the board and shall furnish

an additional copy to each party by first-class mail. Briefs will cite any applicable legal authority and specify relevant portions of the record in that proceeding.

(2) Oral argument will be heard by the board unless waived by both parties. The time granted each party for oral argument will be established by the board.

(3) The record on appeal will be the entire record made before the hearing panel or administrative law judge.

d. Confidentiality. At no time prior to the release of the final decision by the board shall a proposed decision be made public or distributed to any person other than the parties.

e. Requests to present additional evidence. A party may request the taking of additional evidence after the issuance of a proposed decision only by establishing that:

(1) The evidence is material; and

(2) The evidence arose after the completion of the original hearing; or

(3) Good cause exists for failure to present the evidence at the original hearing; and

(4) The party has not waived the right to present additional evidence.

A written request to present additional evidence must be filed with the notice of appeal or by a nonappealing party within 14 days of service of the notice of appeal. The board may remand a case to the hearing panel for further hearing or may itself preside at the taking of additional evidence.

ITEM 3. Adopt the following **new** rule 481—427.8(17A):

481—427.8(17A) Client notification. Within 15 days (or such other time period specifically ordered by the board) of the licensee's receipt of the board's final decision, whether entered by consent or following hearing, which suspends or revokes a license or accepts a voluntary surrender of a license to resolve a disciplinary case, the licensee shall notify in writing all current clients of the fact that the license has been suspended, revoked or voluntarily surrendered. Such notice shall advise clients to obtain alternative professional services. Within 30 days of receipt of the board's final order, the licensee shall file with the board copies of the notices sent. Compliance with this requirement is a condition for an application for reinstatement.

[Filed Emergency 6/8/26, effective 6/30/26]
[Published 7/8/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0441D

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Adopted and Filed Emergency

Rulemaking related to employers

The Iowa Public Employees' Retirement System (IPERS) hereby amends Chapter 4, "Employers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 97B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 97B and 2026 Iowa Acts, House File 1023.

Purpose and Summary

This rulemaking is intended to implement the relevant provisions of recently enacted 2026 Iowa Acts, House File 1023, "an Act relating to benefits and contributions for members of the Iowa public employees' retirement system who are employed in a protection occupation." The Act enhances benefits for such members and outlines a new contribution rate split between employers and members, outlines an increase in the multiplier maximum to 80 percent with 30 years of service and makes class retirees meeting specific criteria eligible for a 1.5 percent annual compounding cost-of-living adjustment. Pursuant to the Iowa Code, contribution rates must be published and made effective by July 1 of each fiscal year, which requires emergency rulemaking in this instance.

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

Pursuant to Iowa Code section 17A.4(3), IPERS finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee. In compliance with Iowa Code section 17A.4(3)"a," the Administrative Rules Review Committee at its June 16, 2026, meeting reviewed IPERS' determination and this rulemaking and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), IPERS also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on July 1, 2026, because IPERS' enabling statute, Iowa Code chapter 97B, requires an annual actuarial valuation of assets and certification of new contribution rates (Iowa Code section 97B.4(4)"d") and the updated contribution rates are to be calculated prior to their mandatory annual effective date of July 1, the first day of the new fiscal year.

Adoption of Rulemaking

This rulemaking was adopted by the Acting Chief Executive Officer on June 16, 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 0440D** 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 IPERS for a waiver of the discretionary provisions, if any, pursuant to 495—Chapter 2504.

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 July 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 4.6(3) as follows:

4.6(3) Contribution rates for protection occupations are as follows.

	Effective July 1, 2022	Effective July 1, 2023	Effective July 1, 2024	Effective July 1, 2025	Effective July 1, 2026
Combined rate	15.52%	15.52%	15.52%	15.52%	15.52%
Employer	9.31%	9.31%	9.31%	9.185%	~~9.185%~~ 7.635%
Employee	6.21%	6.21%	6.21%	6.335%	~~6.335%~~ 7.885%

[Filed Emergency 6/23/26, effective 7/1/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0442D

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Adopted and Filed Emergency

Rulemaking related to modifications of the uniform rules on agency procedure

The Iowa Public Employees' Retirement System (IPERS) hereby adopts new Chapter 2503, "Declaratory Orders," Chapter 2504, "Rule Waivers," and Chapter 2506, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This rulemaking modifies the Uniform Rules on Agency Procedure related to declaratory orders (7—Chapter 2503), rule waivers (7—Chapter 2504), and contested cases (7—Chapter 2506) to exempt certain topics from which IPERS will not issue a declaratory order, add issues upon which IPERS will not grant waivers, and ensure that claims governed by Iowa Code chapter 97B are governed by the administrative procedures of Iowa Code chapter 97B and not certain contested case provisions of 7—Chapter 2506.

Exemptions from declaratory orders are necessary to preserve the integrity of IPERS' administration of the retirement system. Adoption of this rulemaking will allow IPERS to ensure questions brought before IPERS are answered based on current law and within the bounds of Iowa Code chapter 97B.

IPERS is a qualified governmental plan and must administer the retirement system according to its plan document. Adding issues upon which IPERS will not grant waivers will allow IPERS to ensure it remains a qualified plan.

The new Uniform Rules on Agency Procedure create an inconsistency between certain contested case provisions and the appeals procedure established under Iowa Code chapter 97B. Adoption of this rulemaking will allow IPERS to ensure that any appeal arising under Iowa Code chapter 97B has clear direction as to the appropriate procedural requirements.

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

Pursuant to Iowa Code section 17A.4(3), IPERS finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking as means by which agencies may adopt new uniform rules containing previously approved variances or opt-outs (additions, exceptions, or amendments) to the Uniform Rules on Agency Procedure adopted by the Administrative Rules Coordinator. IPERS applied for approval of particular variances within Chapters 2503, 2504, and 2506 to prevent conflicts of interest with certain provisions of IPERS' enabling legislation (Iowa Code chapter 97B). Specific proposed variances were recommended for approval by Administrative Rules Coordinator Stan Thompson and are addressed in this emergency rulemaking pursuant to the provisions of 2026 Iowa Acts, Senate File 2463.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(a), IPERS also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking for the purpose stated above. Moreover, 2026 Iowa Acts, Senate File 2463, specifically mandates June 30, 2026, as the last possible effective date for adoption of new uniform rule chapters that include additions, exceptions, or amendments to the uniform rules created via this legislation and adopted by the Administrative Rules Coordinator.

Adoption of Rulemaking

This rulemaking was adopted by the Acting Chief Executive Officer on June 15, 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 0443D** 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 IPERS for a waiver of the discretionary provisions, if any, pursuant to 495—Chapter 2504.

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 June 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 495—Chapter 2503:

CHAPTER 2503
DECLARATORY ORDERS

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

495—2503.8(17A) Refusal to issue order.

2503.8(4) The agency will not issue declaratory orders on the following:

a. The present value of IPERS retirement monthly benefits.
b. Actuarial assumptions used or proposed to be used by the agency.
c. The impact of proposed legislation.
d. Issues that require the disclosure of confidential information.
e. Any matter under appeal or in litigation.

ITEM 2. Adopt the following **new** 495—Chapter 2504:

CHAPTER 2504
RULE WAIVERS

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

495—2504.6(17A) Rules from which the agency shall not grant waivers. The agency shall not grant waivers from the following rules, except as otherwise indicated in the following list.

1. Rules that implement state or federal law, if the waiver could affect the taxability of pension benefits under the Internal Revenue Code and regulations thereunder or the Iowa Code and rules adopted thereunder.
2. Rules that set forth the formulas used to calculate IPERS' monthly retirement benefits, actuarial equivalents, dividends, amounts to be credited to supplemental accounts of active members, refunds, death benefits, and service purchase costs.
3. Rules that implement contribution rates and actuarial assumptions set by IPERS.

ITEM 3. Adopt the following **new** 495—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

495—2506.1(17A) Scope and applicability. This chapter applies to contested case proceedings conducted by the agency, including vendor appeals. However, this chapter does not apply to the extent that a claim being addressed by the agency is governed by Iowa Code chapter 97B or if the competitive solicitation will be paid for with investment management expenses charged to the investment income of the retirement fund as set forth in Iowa Code section 97B.7(3)*"d."*

495—2506.2(17A) Definitions.

"Presiding officer" means the administrative law judge designated pursuant to Iowa Code section 97B.20B.

495—2506.6(17A) Presiding officer. This rule is not adopted.

495—2506.14(17A) Subpoenas.

2506.14(1) This subrule is not adopted.

495—2506.26(17A) Final decisions.

2506.26(1) This subrule is not adopted.

495—2506.27(17A) Appeals and review.

2506.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the employment appeal board as provided in Iowa Code section 97B.27.

2506.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the employment appeal board as provided in Iowa Code section 97B.27. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

2506.27(4) This subrule is not adopted.

2506.27(5) *Scheduling.* The employment appeal board will issue a schedule for consideration of the appeal.

2506.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The employment appeal board may resolve the appeal on the briefs or provide an opportunity for oral argument. The employment appeal board may shorten or extend the briefing period as appropriate.

[Filed Emergency 6/23/26, effective 6/30/26]
[Published 7/8/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0433D

NATURAL RESOURCES DEPARTMENT[561]

Adopted and Filed Emergency

Rulemaking related to public records and fair information practices

The Natural Resources Department (Department) hereby rescinds Chapter 2, "Public Records and Fair Information Practices," and adopts a new Chapter 2505, "Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 17A.24 and 22.11 and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.24 and 22.11.

Purpose and Summary

This rulemaking modifies the Uniform Rules on Agency Procedure related to fair information practices (7—Chapter 2505) to ensure that business confidential records are properly processed and stored by the Department. This rulemaking is also being done in accordance with 2026 Iowa Acts, Senate File 2463, in which the portions of Chapter 2 relating to personally identifiable information were not rescinded. In an effort to consolidate all Department rules regarding fair information practices, the content related to personally identifiable information is being moved to Chapter 2505. This will allow for existing Chapter 2 to be rescinded.

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 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

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 June 18, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking for the purpose stated above.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 15, 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 0429D** 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, pursuant to 7—Chapter 2504.

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 June 18, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **561—Chapter 2**.

ITEM 2. Adopt the following **new** 561—Chapter 2505:

CHAPTER 2505
FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

561—2505.5(17A,22) Confidential records. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order. Unless deemed as a confidential record or considered as a confidential record by Iowa Code section 22.7, all records are considered public and routinely disclosed without the consent of the subject.

2505.5(1) *Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order authorizes the custodian to treat the record as a confidential record may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

2505.5(2) *Request.* A written request that a record be treated as a confidential record and be withheld from public inspection should be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record. The request should include two copies of the record in question; one copy of the record with all information provided and a second copy of the record with the information being requested confidential deleted from the record.

2505.5(3) *Timing of decision.* A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed or when the custodian receives a request for access to the record by a member of the public.

2505.5(4) *Request granted or deferred.* If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

2505.5(5) *Request denied and opportunity to seek injunction.* If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian will notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8 or other applicable

provision of law. However, such a record need not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian will notify the requester in writing of the time period allowed to seek injunctive relief or the reason for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received; if a court directs the custodian to treat it as a confidential record, to the extent permitted by another applicable provision of law; or with the consent of the person requesting access.

2505.5(6) *Processing of confidentiality claims.* In order to request a record be held confidential with the department, the party will comply with the following provisions:

a. Applicability/availability. Businesses that provide information to the department in applications, reports or otherwise in recorded form, or from or about which information is obtained and recorded by the department, may request that information not be disclosed to others for reasons of business confidentiality. Until such time as a request for confidentiality is received by the department, all information will be available to the public. If a claim is received after the information itself is received, the department will make such efforts as are administratively practicable to associate the claim with all copies of the previously received information. However, the department cannot ensure that such efforts will be effective in light of the possibility of prior disclosure or dissemination of the information beyond the department's reasonable control.

b. Confidentiality request process. An entity that submits information to the department may assert a confidentiality claim in accordance with the following process:

(1) Attach a cover sheet indicating the entity is seeking the information to be held confidential. The submission will include a letter of substantiation with the information required by paragraph 2505.5(6)*"c."*

(2) File two copies of the information: one copy with all information present and a second copy with the information for which the party wishes to claim confidential treatment deleted from the document.

c. Contents of claim. All claims for confidentiality must be substantiated with the following information in a letter attached to the proposed confidential document:

(1) A statement of all measures the business has taken to protect the confidentiality of the information and a statement of intent to continue to take such measures;

(2) Practices and policies of other businesses, if known, regarding confidentiality of similar information;

(3) A statement that the information is not, and has not been, reasonably attainable without the consent of the business by other persons other than government bodies by use of legitimate means;

(4) A statement demonstrating that disclosure of the information is likely to cause substantial harm to the business's competitive position;

(5) A reference to any other determinations of confidential status of the information or similar information.

d. Initial action by department. All claims will be reviewed for completeness and applicability of subrule 2505.5(8). If the claim does not include the substantiation required by paragraph 2505.5(6)*"c,"* or if the claim relates to information within subrule 2505.5(8), the business making the claim will be notified by certified mail. If the substantiation or comment regarding the inapplicability of subrule 2505.5(8) is not received by the department within ten days of the date on the return receipt, the department will place the information in the public file. Otherwise, all information claimed to be confidential will be treated as such by the department until further notice.

e. Substantive criteria for use in confidentiality determinations. Prior determinations by the courts, the department, or other agencies on the information or similar information will be given due consideration and effect. Determinations will hold that business information is entitled to confidential treatment for the benefit of a particular person if:

(1) The business has taken and intends to continue to take reasonable measures to protect the confidentiality of the information;

(2) The information is not readily obtainable by others by legitimate means;

(3) The claim is not unreasonable in view of the nature of the information, the interests and normal practices of the business, and the practices of other businesses;

(4) No statute or rule specifically requires disclosure of the information; and

(5) There is a substantial likelihood that disclosure of the information would cause substantial harm to the competitive position of the business.

f. Determination. The department will transmit its determination regarding a claim for business confidentiality to the claimant by certified mail, notifying the claimant of the opportunity to provide comments within ten days subject to reasonable extension upon written request, and that failure to comment will be construed to indicate agreement with the preliminary determination. If the determination is in response to a request for disclosure, the person requesting the disclosure will be sent a similar notice in the same manner within ten days of the request. If any substantial comments are received, the final decision will be made by the director or designee. If no substantial comments are received, the preliminary determination becomes the final decision.

g. All procedures within this rule will not be considered contested case proceedings as provided in Iowa Code chapter 17A.

2505.5(7) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids;

b. Tax records made available to the department;

c. Records that are exempt from disclosure under Iowa Code section 22.7;

d. Minutes of closed meetings of a government body;

e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets;

f. Those portions of the department's staff manuals, instructions, or other statements issued that set forth criteria or guidelines to be used by staff in auditing; in making inspections; in settling commercial disputes or negotiating commercial arrangements; or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the department;

g. Records that constitute attorney work product, constitute attorney-client communications, or are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa R.C.P. 1.503(3); Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Any other records made confidential by law.

2505.5(8) *Not confidential.* Notwithstanding any other provision, the following information will not be considered confidential by the department:

a. Emission data. For purposes of this subrule, "emission data" means the following, with reference to any source of emission of any substance into the air:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission that has been emitted by the source (or of any pollutant resulting from any emission by the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions that, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

b. Analytical results of monitoring or public water supply systems;

c. Name and address of any permit applicant; and

d. NPDES permits, applications (including any information required by NPDES application forms), and effluent data. For purposes of this subrule, "effluent data" means the following, with reference to any source of discharge of any pollutant:

(1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant that has been emitted by the source (or of any pollutant resulting from any discharge from the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants that, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

561—2505.9(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the department of natural resources by personal identifier in record systems. For the purposes of this rule, "record system" means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. Records maintained by the department of natural resources, the environmental protection commission, and the natural resource commission are in accordance with guidelines as set forth by the state records commission's file system. An updated index is maintained by the department and is available for public inspection. Records are collected pursuant to authorities contained in Iowa Code title XI. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications. Department of natural resources and natural resource commission records may include but are not limited to the following:

2505.9(1) Department of natural resources.

a. Administration, organization, and management.

(1) Organization and management.
(2) Planning and programming.
(3) Administrative reports.
(4) Insurance and bonding.
(5) Departmental emergency planning.
(6) Correspondence and reference materials.
(7) Information and public relations.

b. Budgets, accounting and financial analysis.

(1) Budget information.
(2) Accounting.
(3) Cost accounting.

c. Office services and facilities management.

(1) Communications.
(2) Printing and reproduction.
(3) Records management.
(4) Motor pool operations.
(5) Facilities management.

(6) Engineering and construction.
d. Equipment, supplies, and services.
(1) Procurement.
(2) Property accountability.
e. Legislative and legal.
(1) Department legislative liaison.
(2) Bills, joint resolutions, amendments, messages, and reports.
(3) Federal government.
(4) Administrative procedures.
(5) Attorney general opinions and research materials.
(6) Claims against the state.
(7) Lawsuits filed by the state.
(8) 28E agreements.
f. Personnel and payroll.
(1) Employee personnel/payroll files.
(2) Merit rules.
(3) Payroll administration.
(4) Position classification.
(5) Preemployment.
(6) Certification and selection.
(7) Scheduling, assignments, and working hours.
(8) Grievances.
(9) Training and education.
(10) Employee benefits and welfare.
(11) Employment relations.
(12) Equal employment opportunity.
(13) Management improvement programs.
(14) Delegation of authority and signature authorization.
g. Conservation and environment.
(1) Geology.
1. Surface and groundwater monitoring.
2. Natural resources geographic information system (GIS) library.
3. Oil/gas exploration and drilling.
(2) Water conservation.
(3) Land conservation.
(4) Soil conservation.
(5) Forestry management.
(6) Fish and game conservation.
(7) Recreation.
(8) Environmental technology.
(9) Air quality monitoring.
(10) Water quality monitoring.
(11) Land quality monitoring.
(12) Hazardous material planning.
1. Hazardous waste management.
2. Underground storage tanks.
3. Leaking underground storage tanks.
(13) Radioactive materials.
(14) Environmental—interdisciplinary.
2505.9(2) Natural resource commission.
a. Tort claims investigations.
b. Numerous licensing files.

c. Lifetime licenses.
d. Boat registrations.
e. Docks, mooring, buoys or raft registrations.
f. Snowmobile registrations.
g. Miscellaneous mailing list (e.g., magazine).
h. Payroll and personnel information system.
i. Fur buyer reports.
j. Fish and game violations.
k. Safety certified students (hunter safety, snowmobile safety, and boating safety).
l. Special events applications and permits.
m. Snowmobile accident reports.
n. Boating accident reports.
o. Drowning reports.
p. Timber buyer reports and bonds.
q. Work programs with Iowa State University.
r. Timber management and forestry.
s. State park ranger violation reports.
t. Incident reports.
u. Donations.
v. Real estate acquisition.
w. Encroachments.
x. Campground host program.
y. Law enforcement intelligence network (LEIN) and turn in poachers (TIP).
z. Park leases and concessions.

561—2505.10(17A,22) Other groups of records. This rule describes groups of records maintained by the department of natural resources other than record systems as defined in rule 561—2505.9(17A,22). These records are routinely available to the public. However, the department's files of these records may contain confidential information. In addition, some records may contain information about individuals. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications.

2505.10(1) *Rulemaking.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

2505.10(2) *Commission records.* Agendas, minutes, and materials presented to the environmental protection commission and the natural resource commission are available from the office of the director, except these records concerning closed sessions that are confidential under Iowa Code section 21.5(5). Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

2505.10(3) *Publications.* News releases, annual reports, Iowa Outdoors magazine, project reports, agency newsletters, etc., are available from the department offices for public information. Brochures describing various department programs are available at local offices of the department. Department news releases, project reports, Iowa Outdoors magazine, and newsletters may contain information about individuals, including department staff or members of the commission or committees.

2505.10(4) *Statistical reports.* Periodic reports for various department programs are available from the department offices for public information.

2505.10(5) *Grants or loans.* Records on persons and institutions receiving grants or loans are available through the institutions, also for public information. The records may contain information about employees of a grantee.

2505.10(6) *Published materials.* The department of natural resources uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.10(7) *Policy manuals.* The department of natural resources employees' manual, containing the policies and procedures for programs administered by the department, is available in every office of the department. Policy manuals do not contain information about individuals.

2505.10(8) *All other records that are not exempted from disclosure by law.* The department maintains a variety of records that do not generally contain information pertaining to named individuals.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0432D

NATURAL RESOURCES DEPARTMENT[561]

Adopted and Filed Emergency

Rulemaking related to contested cases

The Natural Resources Department (Department) hereby adopts new Chapter 2506, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 17A.24 and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

This amendment modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that the deadline for administrative appeals has a definitive date.

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 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

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 June 18, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking for the purpose stated above.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 15, 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 0430D** 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, pursuant to 7—Chapter 2504.

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 June 18, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 561—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

561—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, within 60 days.

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ARC 0408D

WORKERS' COMPENSATION DIVISION[876]

Adopted and Filed Emergency

Rulemaking related to modifications of the uniform rules on agency procedure

The Workers' Compensation Division hereby rescinds Chapter 9, "Public Records and Fair Information Practices," and adopts a new Chapter 2506, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 10A.310(1)"a," Iowa Code chapter 17A, and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 10A, 17A, 85, 85B, and 87.

Purpose and Summary

The Division rescinds Chapter 9. Pursuant to recently enacted 2026 Iowa Acts, Senate File 2463, the Division adopts the Uniform Rules on Agency Procedure but specifically does not adopt certain specifically identified Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506). The Division adopts emergency rules pertaining to contested cases to maintain procedural rights and guarantees within the Iowa workers' compensation system that have developed over more than a century and offer greater protections than those outlined in the Uniform Rules on Agency Procedure.

With respect to the Division's rejection of certain Uniform Rules on Agency Procedure and the adoption of new Chapter 2506, related to contested case hearings, the purpose is to ensure greater procedural protections for parties than are afforded in the Uniform Rules on Agency Procedure. The Division further intends for the rules adopted in Chapter 2506 to provide clear deadlines for the administration of contested cases before the agency, comply with statutory deadlines for alternate medical care hearings, and reduce confusion for litigants with significant changes in deadlines and procedures in contested cases before the Division.

The Division's current structure and procedures operate more like district court proceedings than typical agency contested case proceedings. The vast majority of litigants appearing before the Division are represented by counsel. Counsel appearing before the Division are highly specialized and knowledgeable about the procedures involved in the workers' compensation process. Significant changes to the Division's contested case procedures will have significant impact upon those practitioners, injured workers, businesses, insurers, and the Second Injury Fund appearing before the Division. For litigants that elect to proceed pro se before the Division, the contested case rules adopted provide minimum procedural rights to ensure production and exchange of information prior to a formal hearing before the agency.

Contested cases coming before the Division vary in significant ways from contested cases before other state agencies. First, most of the Division's contested cases are brought by private citizens against their employer and/or its insurance carrier. Contested cases before the Division do not begin with governmental action. Instead, cases are initiated pursuant to Iowa Code section 85.26(3) by the filing of an original notice and petition. The Division's arbitration cases and review-reopening cases involve significant discovery and typically take approximately one year from the original notice and petition until a contested case hearing occurs.

Practical rules have been adopted over the decades to make the workers' compensation contested case process as efficient as possible. The Division seeks to repromulgate many of those rules for efficiency, which are not contained in the Uniform Rules on Agency Procedure. For instance, the Division adopts emergency rules that mandate automatic service of medical records between parties. The emergency rules ensure admissibility of medical records and reports without laying foundation for such evidence or requiring depositions of treating medical providers to admit their opinions. These rules serve as efficiencies within our system and significantly reduce time and cost for the parties. Failure to adopt these rules on an emergency basis would have a detrimental impact on the efficiency of the workers' compensation system and on the ultimate expense to the litigants appearing before the Division.

The Division also handles different types of contested cases that do not easily fit within the Uniform Rules on Agency Procedure. Alternate medical care hearings are governed by a statutory deadline. More information can be found in Iowa Code section 85.27. The Uniform Rules on Agency Procedure would not permit the Division to comply with the statutory deadline. Similarly, the Division is tasked with

hearing health service (medical fee) disputes as well as applications for vocational training pursuant to Iowa Code section 85.70(2). Neither fits easily within the Uniform Rules on Agency Procedure, and specialized rules are necessary.

The Division has modernized and implemented an electronic filing system. The Division opts out of some of the Uniform Rules on Agency Procedure because they are not consistent with the operational abilities of the Division's current electronic filing system. Failure to implement emergency rules would require significant upgrade to, or modification of, the Division's computer filing system. Use of the Uniform Rules on Agency Procedure would require unnecessary duplication of efforts for service of documents that are automatically served on all parties when electronically filed.

For instance, the provisions of 7—subrule 2506.12(5) would require all documents exchanged by the parties to be filed with the Division. The Division's server literally could not host the hundreds of thousands of medical records, tax returns, personnel files, and discovery responses exchanged by parties every year and would require a significant upgrade with a significant fiscal impact to the Division not contemplated within its budgetary constraints. Maintaining a vast quantity of unnecessary medical records, tax records, and personnel files would also pose an unnecessary risk of disclosure of personally identifiable information of users of the Iowa workers' compensation system.

The Division has determined that there is a need for continuity in the handling of its cases, including deadlines, procedures, and discovery rights. The Division has determined that the need to avoid a significant fiscal impact requires adopting emergency rules. The Division has determined that compliance with statutory deadlines also requires the adoption of emergency rules. Therefore, the Division opts out of certain Uniform Rules on Agency Procedure and adopts other rules on an emergency basis.

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

Pursuant to Iowa Code section 17A.4(3), the Division finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(a), the Division also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking for the purpose stated above.

The new Uniform Rules on Agency Procedure are effective as of January 13, 2026. Many of the Uniform Rules on Agency Procedure contradict long-established practice before the Iowa Workers' Compensation Commission. Contested cases before the Iowa Workers' Compensation Commission include full discovery rights and procedures, which in many respects resemble litigation before the Iowa District Court. Some of the Uniform Rules on Agency Procedure are inconsistent with current efficiencies, the current electronic filing system in use by the Division, and certain requirements established by statute. Implementing the emergency rules ensures seamless transition to the Uniform Rules on Agency Procedure in cases currently pending before the Division, retention of efficiencies developed over decades, and reduction in time and expense for both private parties appearing before the Division and for the Division.

Adoption of Rulemaking

This rulemaking was adopted by the Division on June 11, 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 0407D** 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 Division for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 June 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **876—Chapter 9**.

ITEM 2. Adopt the following **new** 876—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

876—2506.4(17A) Electronic requests for contested case proceeding. This rule is not adopted.

876—2506.5(17A) Notice of hearing. This rule is not adopted.

876—2506.6(17A) Presiding officer.
2506.6(1) This subrule is not adopted.
2506.6(2) This subrule is not adopted.
2506.6(3) This subrule is not adopted.

876—2506.8(17A) Telephone proceeding. This rule is not adopted.

876—2506.11(17A) Pleadings. This rule is not adopted.

876—2506.12(17A) Electronic service and filing of pleadings and other papers.

2506.12(1) This subrule is not adopted.

2506.12(2) This subrule is not adopted.

2506.12(3) This subrule is not adopted.

2506.12(4) This subrule is not adopted.

2506.12(6) This subrule is not adopted.

876—2506.13(17A) Discovery. This rule is not adopted.

876—2506.15(17A) Motions. This rule is not adopted.

876—2506.16(17A) Prehearing conference. This rule is not adopted.

876—2506.17(17A) Continuances. This rule is not adopted.

876—2506.22(17A) Default. This rule is not adopted.

876—2506.23(17A) Ex parte communication.

2506.23(3) This subrule is not adopted.

876—2506.24(17A) Recording costs. This rule is not adopted.

876—2506.25(17A) Interlocutory appeals. This rule is not adopted.

876—2506.27(17A) Appeals and review. This rule is not adopted.

876—2506.28(17A) Applications for rehearing. This rule is not adopted.

876—2506.32(10A,17A,85) Contested cases. Contested case proceedings before the workers' compensation commissioner are:

2506.32(1) Arbitration as described in Iowa Code section 10A.317.

2506.32(2) Review-reopening of an award or a settlement as described in Iowa Code section 10A.317.

2506.32(3) Benefits as described in Iowa Code section 85.27.

2506.32(4) Death and burial benefits as described in Iowa Code sections 85.28, 85.29, and 85.31.

2506.32(5) Determination of dependency as described in Iowa Code sections 85.42 through 85.44.

2506.32(6) Equitable apportionment as described in Iowa Code section 85.43.

2506.32(7) Second injury fund as described in Iowa Code section 85.63 et seq.

2506.32(8) Vocational rehabilitation benefits as described in Iowa Code section 85.70(1).

2506.32(9) Vocational training and education as described in Iowa Code section 85.70(2).

2506.32(10) Approval of fees as described in Iowa Code section 10A.327.

2506.32(11) Commutation as described in Iowa Code section 85.45 et seq.

2506.32(12) Employee's examination as described in Iowa Code section 85.39.

2506.32(13) Determination of compliance with Iowa Code chapters 10A, 85, 85A, 85B, and 87.

2506.32(14) Applications for alternate medical care as described in Iowa Code section 85.27.

2506.32(15) Determination of liability, reimbursement for benefits paid and recovery of interest as described in Iowa Code section 85.21.

2506.32(16) Interest as described in Iowa Code section 85.30.

2506.32(17) Penalty as described in Iowa Code section 10A.315.

2506.32(18) Application for approval of third-party settlement as described in Iowa Code section 85.22.

2506.32(19) Matters that would be a contested case if there were a dispute over the existence of material facts.

2506.32(20) Any other issue determinable upon evidential hearing that is under the jurisdiction of the workers' compensation commissioner.

There shall be no hearing in contested cases pursuant to subrules 2506.32(8) through 2506.32(12) unless otherwise ordered or requested in writing by the petition in the original notice or petition or by the respondent within ten days following the time allowed by these rules for appearance.

This rule is intended to implement Iowa Code sections 10A.310 and 17A.2(2) and chapter 85.

876—2506.33(10A) Separate evidentiary hearing—denial or delay of benefits. Entitlement to penalty benefits for unreasonable delay, denial, or termination of benefits, as provided in Iowa Code section 10A.315, shall be pled. Discovery shall be limited to matters discoverable in the absence of such pleading unless it is bifurcated. The claimant may bifurcate the denial or delay issue by filing and serving a notice of bifurcation at any time before a case is assigned for hearing, in which case discovery on that issue may proceed only after the final decision of the agency on all other issues.

This rule is intended to implement Iowa Code sections 10A.315, 10A.319, and 10A.321.

876—2506.34(10A,85,85A,85B,87) Compliance proceedings. If the workers' compensation commissioner shall have reason to believe that there has not been compliance with the workers' compensation law by any person or entity, the workers' compensation commissioner may on the workers' compensation commissioner's own motion give notice to the person or entity and schedule a hearing for the purpose of determining whether there has been compliance by the person or entity. The notice shall state the time and place of the hearing and a brief statement of the matters to be considered. The notice of hearing may be given by ordinary mail or by Workers' Compensation Electronic System (WCES) if the alleged noncompliant person or entity is registered in WCES and is currently participating in a contested case using WCES and may be given to the insurer for the employer in lieu of the employer as permitted by Iowa Code section 87.10 if the insurer has filed a report, pleading or motion that acknowledges that it is the insurer for the claim at issue. Following the hearing, the workers' compensation commissioner or a deputy workers' compensation commissioner may issue a finding regarding compliance. In the event a failure to comply is found, the workers' compensation commissioner may impose sanctions in accordance with Iowa Code section 10A.314, 10A.315 or 10A.316 or order compliance within a specified time and under specified circumstances. The workers' compensation commissioner may file a certified copy of the order in an appropriate district court and may file a certified copy of the order with the Iowa insurance division of the department of insurance and financial services with a request for action by the insurance division upon failure to comply with the order. Nothing in this rule shall prevent the workers' compensation commissioner from conducting an informal conference with any person or entity concerning problems of compliance prior to the initiation of a compliance proceeding.

This rule is intended to implement Iowa Code chapters 10A, 85 through 85B, and 87.

876—2506.35(10A,85,85A,85B,87) Commencement by the workers' compensation commissioner. In addition to an aggrieved party, the workers' compensation commissioner may initiate proceedings under subrule 2506.32(10). The proceeding may be held before a deputy workers' compensation commissioner or the workers' compensation commissioner. The workers' compensation commissioner shall be the only person to commence a proceeding under subrule 2506.32(14) unless such authority is specifically delegated by the workers' compensation commissioner to a deputy workers' compensation commissioner concerning a specific matter.

This rule is intended to implement Iowa Code chapters 10A, 85 through 85B, and 87.

876—2506.36(10A,17A,85) Original notice and petition. A petition or application must be delivered or filed with the original notice unless original notice Form 100, Form 100A, Form 100B, or Form 100D of the workers' compensation division is used.

2506.36(1) The original notice Form 100, Form 100A, Form 100B, Form 100C, Form 100D, or a determination of liability reimbursement for benefits paid and recovery of interest form shall provide for

the data required in Iowa Code section 17A.12(2) and shall contain factors relevant to the contested case proceedings listed in rule 876—2506.32(10A,17A,85).

a. Form 100 is to be used for all contested case proceedings except as indicated in this rule.

b. Form 100A is to be used for the contested case proceedings provided for in subrule 2506.32(12).

c. Form 100B is to be used for the contested case proceeding provided for in subrule 2506.32(8).

d. Form 100C is to be used for the contested case proceeding provided for in rules 876—2506.62(10A) and 876—2506.65(10A,17A,85).

e. Form 100D is to be used for the contested case proceeding provided for in rule 876—2506.67(10A,17A,85).

f. The application and consent order for payment of benefits under Iowa Code section 85.21 is to be used for contested case proceedings brought under Iowa Code section 85.21.

g. When a commutation is sought, Form No. 14-0013 or Form No. 14-0017 must be filed in addition to any other document.

h. The petition for declaratory order, approval of attorney fees, determination of compliance and other proceedings not covered in the original notice forms must accompany the original notice.

2506.36(2) At the same time and in the same manner as service of the original notice and petition, the claimant shall serve a patient's waiver using Form 14-0043 (authorization for release of information regarding claimants seeking workers' compensation benefits), or a substantially equivalent form, which shall not be revoked until conclusion of the contested case. The claimant shall provide the patient's waivers in other forms and update the patient's waivers as necessary to permit full disclosure of discoverable information whenever requested by a medical practitioner or institution.

2506.36(3) A separate original notice and petition shall be filed for each claim that seeks benefits due to the occurrence of an injury, occupational disease or occupational hearing loss.

a. The original notice and petition shall allege a specific date of occurrence consisting of a day, month and year.

b. Alternate or multiple dates of occurrence may be alleged in the same original notice and petition if the claim or claims arose from the same occurrence or series of occurrences and uncertainty exists concerning the correct date of occurrence or the number of occurrences.

c. An employee may join any number of employers or insurance carriers in the same original notice and petition if the claim is made against them jointly, severally or in the alternative. The remedy for misjoinder must be requested by motion within a reasonable time after the grounds become known, but in no event later than the claimant's case preparation completion date.

d. All remedies will be applied without prejudice to any claim or defense.

e. In addition to the remedies contained in Iowa Rule of Civil Procedure 1.236, the workers' compensation commissioner may order that parts of a claim be severed and proceeded with separately or that separate related claims be joined or consolidated for administrative convenience or for any good cause. If a correction is ordered but not made by a date specified in the order, the original notice and petition may be dismissed without further notice. If the correction is made within the specified time, the correction relates back to the date of the initial filing for purposes of the statute of limitations.

This rule is intended to implement Iowa Code chapter 10A and sections 17A.12, 85.27, 85.45, and 85.48.

876—2506.37(17A,85) Delivery of notice, orders, rulings and decisions. Delivery of the original notice shall be made by the petitioning party as provided in Iowa Code section 17A.12(1), except that a party may deliver the original notice on a nonresident employer as provided in Iowa Code section 85.3. A proposed or final decision, order or ruling may be delivered by the workers' compensation division to any party by regular mail, by email or by WCES. Filing of a notice, ruling and decision in WCES is the official filing and start of any appeal or motion deadline.

This rule is intended to implement Iowa Code sections 17A.12 and 85.3.

876—2506.38(17A) Filing of notice.

2506.38(1) A contested case is commenced by filing the original notice and petition with the workers' compensation commissioner. No action shall be taken by the workers' compensation commissioner on any contested case against an adverse party unless the adverse party has answered or unless it can be shown by proper proof that the adverse party has been properly served. The original notice and petition if required by rule 876—2506.36(10A,17A,85) shall be accompanied by proof that the petitioner has deposited copies of such documents with the U.S. post office for delivery by certified mail, return receipt requested, upon the respondent or has submitted such copies to a proper person for delivery of personal service as in civil actions.

2506.38(2) Filing fee.

a. For all original notices and petitions for arbitration or review-reopening relating to weekly benefits filed on account of each injury, occupational disease or occupational hearing loss alleged, a filing fee shall be paid at the time of filing. The filing fee for petitions is $125. No filing fee is due for the filing of other actions where the sole relief sought is one of the following or a combination of any of them:

(1) Medical and other benefits under Iowa Code section 85.27;
(2) Burial benefits under Iowa Code section 85.28;
(3) Determination of dependency under Iowa Code sections 85.42 through 85.44;
(4) Equitable apportionment under Iowa Code section 85.43;
(5) Second injury fund under Iowa Code sections 85.63 through 85.69;
(6) Vocational rehabilitation benefits under Iowa Code section 85.70(1);
(7) Vocational training and education benefits under Iowa Code section 85.70(2);
(8) Approval of legal, medical and other fees under Iowa Code section 10A.327;
(9) Commutation under Iowa Code sections 85.45, 85.47 and 85.48;
(10) Employee's examination under Iowa Code section 85.39;
(11) Employee's examination or sanctions under Iowa Code section 85.39;
(12) Application for alternate care under Iowa Code section 85.27;
(13) Determination of liability, reimbursement for benefits paid and recovery of interest under Iowa Code section 85.21;
(14) Interest under Iowa Code section 85.30;
(15) Penalty under Iowa Code section 10A.315(4);
(16) Application for approval of third-party settlement under Iowa Code section 85.22; and
(17) Petitions for declaratory orders or petitions for interventions. An amendment to a petition that alleges an additional or alternate date of occurrence does not require payment of an additional filing fee if a filing fee was paid when the petition was filed.

b. A filing fee shall be required for each original notice and petition filed as required in paragraph 2506.38(2)*"a."* If a party overpays a filing fee, the party may receive a refund. The party who made the overpayment must request a refund before June 1 of the fiscal year in which the overpayment occurred.

c. If no filing fee is paid at the time of filing of the original notice and petition, the workers' compensation commissioner shall return the original notice and petition to the party filing it. Filing an original notice and petition without paying the fee shall not toll the statute of limitations. Tendering an amount less than required will be considered failure to pay a filing fee.

d. The filing fee may be taxed as a cost to the losing party in the case. If the filing fee would impose an undue hardship or be unjust in the circumstances for the losing party, the filing fee may be taxed as costs to the winning party in the case. More information can be found in rule 876—2506.59(10A).

e. The filing fee shall be paid at the same time the petition is filed. The filing fee shall be paid electronically with a credit card, via automated clearing house (ACH), or by other electronic means as allowed by WCES unless an order granting permission for nonelectronic payment has been issued. If an order granting permission for nonelectronic payment has been issued, the party filing the petition shall issue a check payable to the "Iowa Workers' Compensation Division." If the payment of the filing fee is made by an account with insufficient funds or the payment is stopped or the payment is otherwise

not honored, it will be treated as a failure to pay the correct filing fee. More information can be found in paragraph 2506.38(2)*"c."* Nonelectronic payment will not be accepted without an order granting permission for nonelectronic payment. The statute of limitations is not tolled if a party has requested nonelectronic payment and is awaiting an order.

f. The workers' compensation commissioner may accept for filing an original notice and petition without prepayment of the filing fee if in the discretion of the workers' compensation commissioner the petitioner is unable to pay the fee at the time of filing. A deferral of payment of the filing fee shall only be granted upon written application by the petitioner. The application shall be filed at the same time the original notice and petition is filed. The application shall be in the form required by the workers' compensation commissioner and shall include an affidavit signed by the petitioner. When payment of the filing fee is deferred, provisions for payment of the filing fee must be included in any settlement submitted to the workers' compensation commissioner for approval or taxed as costs. When the application for deferral of payment of the filing fee is denied, the filing fee shall be paid as ordered. More information can be found in paragraph 2506.38(2)*"c."* The form for the application deferral of prepayment of fees (Form No. 14-0075) shall not be filed using WCES. The document shall be filed in paper form. If the request for deferral of fees is granted, a claim will be established in WCES. Parties to the claim shall use WCES for future filings unless a party has been granted a waiver of the mandatory use of WCES.

g. Parties shall use the payment gateway in WCES to pay filing fees unless an order has been issued allowing deferral of the payment of the filing fee or payment outside of WCES. In addition to the filing fee, the parties shall pay the convenience fee charged by the financial institution that is processing payment for WCES. This cost may be recoverable under rule 876—2506.59(10A).

This rule is intended to implement Iowa Code section 17A.12.

876—2506.39(17A) Appearance and responses, pleadings, motions and settlements. Appearances and responses to pleadings and motions shall be made in WCES. Registration with the division of workers' compensation's WCES is required. Registration is accepted at efile.iowaworkcomp.gov. After a matter has been commenced and the respondent has been served with an original notice and filed an answer or appearance, subsequent filings or submissions in WCES do not require proof of service to parties of record who are registered with WCES. If a party has been granted a waiver of the mandatory use of WCES, the party shall include a proof of service for all parties of record. Attorneys will need to use the AT pin or pro hac vice pin assigned by the Iowa Supreme Court to be associated with a case in WCES. When an attorney is not representing a party, the employer or insurance carrier or the employer's or insurance carrier's agent or claimant shall register in WCES to file the settlement or medical data pursuant to 876—subrule 3.1(2). The filer will receive a status update for the information the filer submits based upon the status the filer selects when registering in WCES.

2506.39(1) *Motions.* Motions attacking a pleading must be served before responding to a pleading or, if no responsive pleading is required, upon motion made by a party within 20 days after the service of the pleading on such party.

2506.39(2) *Time after motions attacking pleadings and special appearances.* If a motion attacking a pleading is so disposed of as to require further pleading, such further pleading shall be served within ten days after notice of the action of the workers' compensation commissioner or deputy workers' compensation commissioner. If the further pleading requires a response, the response shall be filed within ten days after service of the further pleading.

2506.39(3) *Form, submission and ruling on motions.*

a. All motions, including pre-answer motions and motions for summary judgment, shall have appended to them a concise memorandum brief and argument. All motions except motions for summary judgment shall be deemed submitted without hearing on the record presented on the tenth day following filing. Motions for summary judgment shall be deemed submitted as provided in Iowa Rule of Civil Procedure 1.981. Resistances to motions shall have appended to them a concise memorandum brief and argument and shall be filed on or before the date of submission. Briefs and arguments are waived unless appended to the motion or resistance.

b. An order may be entered consolidating any motion for ruling with the hearing of the contested case. Any party desiring a ruling on a motion prior to the hearing may concisely set forth the necessity of prior ruling in the motion, application or resistance. If a pre-answer motion alleging lack of jurisdiction is overruled or consolidated with hearing of the contested case, the party shall plead to the merits and proceed to hearing of the contested case without submitting to the jurisdiction of the workers' compensation commissioner. If a motion attacking a pleading is consolidated with hearing of the contested case, the party shall respond to the pleading in the same manner as if the motion had been overruled.

2506.39(4) *Withdrawal of counsel.*

a. Counsel may withdraw if another counsel has appeared or if the client's written consent accompanies the withdrawal.

b. Under all other circumstances, counsel may withdraw only upon the order of the workers' compensation commissioner after making written application. Counsel shall give the client written notice that the client has the right to object to the withdrawal by filing written objections and a request for a hearing to the Workers' Compensation Division, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, within ten days following the date the notice was mailed or personally delivered to the client. The client's response does not need to be filed in WCES but may be mailed or delivered to the division. Counsel's application shall be accompanied by proof that a copy of the application and notice was sent by certified mail addressed to the client's last-known address or was delivered to the client personally. If no objections are timely filed, the withdrawal will become effective when approved by the workers' compensation commissioner. If objections are timely filed, a hearing on the application will be held. No withdrawal under this subrule will be effective without the approval of the workers' compensation commissioner. The filing of an application to withdraw stays all pending matters until a ruling is made on the application.

2506.39(5) *Pro hac vice.* An out-of-state attorney desiring to appear pro hac vice in an Iowa workers' compensation division case is required to access the office of professional regulation (OPR)/ supreme court commissions (SCC) website, submit certain personal information to complete pertinent fields in the lawyer database, and pay a fee that will be deposited in the client security trust fund. The registration and fee payment allow the attorney to apply to appear pro hac vice in Iowa division of workers' compensation cases, subject to the limits and requirements of Iowa Court Rule 31.14, for a period of up to five years from the date of registration. Attorneys who register and pay the fee appear in the OPR/SCC database with the status of "pro hac vice." The Iowa division of workers' compensation will request from the Iowa courts that a pro hac vice number be issued and will provide that number to the out-of-state attorney for registration with WCES. The affiliated in-state attorney shall file in WCES the application to appear pro hac vice completed by the out-of-state attorney using a pleading that is substantially similar to Iowa Court Rule 31.25—Form 1.

This rule is intended to implement Iowa Code section 17A.12.

876—2506.40(10A,87) Insurance carrier as a party. Whenever any insurance carrier shall issue a policy with a clause in substance providing that jurisdiction of the employer is jurisdiction of the insurance carrier, the insurance carrier shall be deemed a party in any action against the insured.

This rule is intended to implement Iowa Code chapter 10A and section 87.10.

876—2506.41(17A) Signatures on documents and papers. All documents and papers required by these rules, the Iowa Rules of Civil Procedure as applicable, or a statutory provision shall be signed by the party if unrepresented or the party's attorney if represented. The party's signature in addition to the attorney's signature shall be necessary only when otherwise required by these rules, the Iowa Rules of Civil Procedure as applicable, and any statutory provision. Iowa R. Elec. P. 16.305 concerning signatures is applicable to WCES.

This rule is intended to implement Iowa Code section 17A.12.

876—2506.42(10A,17A) Service on parties. Any document or paper not delivered under rules 876—2506.36(10A,17A,85) and 876—2506.37(17A,85) which is to be filed and seeks relief from or

action against another party, or which has any significant effect on any contested case, shall be served on each party of record under rule 876—2506.43(10A,17A).

This rule is intended to implement Iowa Code sections 10A.319 and 17A.12.

876—2506.43(10A,17A) Method of service.

2506.43(1) Except as provided in rules 876—2506.36(10A,17A,85) and 876—2506.37(17A,85), service of all documents and papers to be served according to this chapter or otherwise upon a party represented by an attorney shall be made upon the attorney unless service upon the party is ordered by the workers' compensation commissioner or deputy workers' compensation commissioner.

2506.43(2) Service upon the attorney or party shall be made using WCES once a party or party's attorney has registered in WCES for the claim being contested. If a party has been granted a waiver of the mandatory use of WCES or if a party or attorney has not appeared in WCES, service upon the attorney or party shall be made by delivery of a copy or mailing a copy to the last-known address of the attorney or party or, if no address is known, by filing a copy with the division of workers' compensation.

2506.43(3) Delivery of a copy within this rule means:

a. Handing it to the attorney or party;

b. Leaving it at the office of the attorney or party's office or with the person in charge of the office, or if there is no one in charge of the office, leaving it in a conspicuous place in the office, or if the office is closed or the person to be served has no office, leaving it at the person's dwelling house, or usual place of abode with some person of suitable age and discretion who is residing at the dwelling or abode;

2506.43(4) Service by mail under this rule is complete upon mailing.

2506.43(5) Documents that are served on a party for discovery and medical evidence under rules 876—2506.44(10A) and 876—2506.47(10A) shall not be filed with the division of workers' compensation.

2506.43(6) No documents or papers referred to in this rule shall be served by the workers' compensation commissioner.

This rule is intended to implement Iowa Code sections 10A.319 and 17A.12.

876—2506.44(10A) Filing of documents and papers. All documents and papers required to be served on a party under rule 876—2506.42(10A,17A) shall be filed with the workers' compensation commissioner either before service or within a reasonable time thereafter. No deposition, notice of deposition, notice of requests for discovery, notice of responses to requests for discovery, and notice of medical records and reports required to be served by rule 876—2506.46(10A) shall be filed with or accepted for filing in WCES unless ordered by the workers' compensation commissioner or a deputy workers' compensation commissioner, or its use becomes otherwise necessary in the action, in which case it shall be attached to the relevant motion or response to the motion requiring its use, or unless offered as evidence at hearing of the contested case.

This rule is intended to implement Iowa Code section 10A.319.

876—2506.45(10A) Proof of service. Proof of service of all documents and papers to be served on another party under rule 876—2506.42(10A,17A) shall be filed with the division of workers' compensation promptly and, in any event, before action is to be taken thereon by the workers' compensation commissioner or a deputy workers' compensation commissioner or any party unless a responsive pleading has been filed. Proof shall be made by filing the document in WCES when another party is registered in WCES for that claim. If a party or a party's attorney or representative is not in WCES for the claim being contested, the proof shall show the date and manner of service and may be by written acknowledgment of service, by certification of a member of the bar of this state, by affidavit of the person who served the papers, or by any other proof satisfactory to the workers' compensation commissioner.

This rule is intended to implement Iowa Code section 10A.319.

876—2506.46(10A) Service of records and reports.

2506.46(1) Each party to a contested case shall serve all records received pursuant to a patient's waiver (Form 14-0043—authorization for release of information regarding claimants seeking workers' compensation benefits) and medical records and reports concerning the injured worker in the possession of the party upon each opposing party not later than 20 days following filing of an answer or, if not then in possession of a party, within 10 days of receipt.

a. Medical records and reports are records of medical practitioners and institutions concerning the injured worker.

b. Medical practitioners and institutions include physicians, physician associates, surgeons, osteopathic physicians and surgeons, chiropractors, dentists, nurses, podiatrists, psychiatrists, psychologists, counselors, hospitals, clinics, persons engaged in physical or vocational rehabilitation or evaluation for rehabilitation, and all other practitioners of the healing arts or sciences and all other institutions in which the healing arts or sciences are practiced.

2506.46(2) Each party shall serve a notice accompanying the records and reports identifying the records and reports served by the name of the practitioner or institution or other source and date of the records and reports and, if served later than 20 days following filing of the answer, stating the date when the records and reports were received by the party serving them. Pursuant to rule 876—2506.44(10A), the notice and records and reports shall not be filed with the workers' compensation commissioner.

2506.46(3) A party failing to comply with the provisions of this rule shall, if the failure is prejudicial to an opposing party, be subject to the provisions of rule 876—2506.62(10A). This rule does not require a party to serve any record or report that was previously served by another party in a contested case proceeding. Compliance with this rule does not automatically permit a record or report to be received into evidence if the record or report was not served prior to an applicable deadline established by rule or order for completing discovery or service of exhibits.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

876—2506.47(10A) Medical evidence and discovery. Discovery in workers' compensation proceedings is governed by the rules of civil procedure pursuant to rule 876—2506.61(10A,17A). Any relevant medical record or report served upon a party in compliance with these rules prior to any deadline established by order or rule for service of the records and reports shall be admissible as evidence at hearing of the contested case unless otherwise provided by rule. Any party against which a medical record or report may be used shall have the right, at the party's own initial expense, to cross-examine by deposition the medical practitioner producing the record or report and the deposition shall be admissible as evidence in the contested case.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

876—2506.48(10A) Prehearing procedure.

2506.48(1) Prehearing procedure in contested cases shall be administered in accordance with these rules and the orders issued by the workers' compensation commissioner or a deputy workers' compensation commissioner.

2506.48(2) Counsel of record and pro se litigants have a duty to exercise reasonable diligence to bring the contested case to hearing at the earliest reasonable opportunity.

2506.48(3) The following time limits govern prehearing procedure, completion of discovery and case management in contested cases, except proceedings under rules 876—2506.64(10A,17A,85) and 876—2506.65(10A,17A,85) and except when otherwise ordered by the workers' compensation commissioner or a deputy workers' compensation commissioner.

a. Within 120 days, but not less than 60 days, following the filing of a petition, the counsel of record for all parties and all pro se litigants shall utilize WCES scheduling procedures to request an available hearing time slot consistent with the presiding deputy commissioner's hearing schedule. Claimant has primary responsibility for initiating the contact. The parties shall identify the case by file number and the names of the parties and request that the hearing be set at a specific date, place and time that is shown to be available on the hearing scheduler published on the division's website. Primary

and backup times must be requested for hearings in venues other than Des Moines. When the contact is made by email, a copy of the request shall be sent to each opposing party, and the hearing administrator will reply indicating whether or not the case is assigned at the time requested. If a request is denied, the parties shall continue to contact the hearing administrator by telephone or email until the case is scheduled or a prehearing conference is ordered. A joint scheduling contact may be initiated by any party at any other time agreeable to the parties. If more than 120 days have elapsed since the petition was filed, any party may move to schedule the hearing at a particular date, time and place that is available, and the hearing administrator may assign the case for hearing at that date, time and place. The hearing date shall be within 12 months following the date the petition was filed or as soon thereafter as reasonably practicable as determined by the hearing administrator. If the parties fail to schedule the hearing with the hearing administrator, the case will be scheduled at the discretion of the hearing administrator without prior notice to the parties.

b. A party who intends to introduce evidence from an expert witness, including a rebuttal expert witness, shall certify to all other parties the expert's name, subject matter of expertise, qualifications, and a summary of the expert's opinions within the following time period:

(1) Claimant—120 days before hearing;

(2) Employer/second injury fund of Iowa—90 days before hearing;

(3) Rebuttal—60 days before hearing.

Certification is not required to introduce evidence from an examining physician pursuant to Iowa Code section 85.39, a treating physician, or a vocational consultant if the expert witness is known by all parties to have personally provided services to the claimant and the witness's reports are served on opposing parties prior to the date when certification is required. The parties may alter these times by written agreement.

c. Discovery responses must be supplemented as required in Iowa Rules of Civil Procedure 1.503(4) and 1.508(3) and shall be supplemented within 20 days after a party requests supplementation. All discovery responses, depositions, and reports from independent medical examinations shall be completed and served on opposing counsel and pro se litigants at least 30 days before hearing. The parties may alter these times by written agreement.

d. At least 30 days before hearing, counsel of record and pro se litigants shall serve a witness list and exhibit list on all opposing counsel and pro se litigants and exchange all intended exhibits that were not previously required to be served.

(1) The witness list shall name all persons, except the claimant, who will be called to testify at the hearing or who will be deposed prior to the hearing in lieu of testifying at the hearing.

(2) The exhibit list must specifically identify each exhibit in a way that permits the opposing party to recognize the exhibit.

(3) The description for a document should include the document's date, number of pages and author or source.

(4) Exhibits that were specifically identified when served pursuant to rule 876—2506.46(10A) or in a discovery response may be collectively identified by describing the service (e.g., "exhibits described in the notices served pursuant to rule 876—2506.46(10A) on May 7, June 11 and July 9, 2004"). Blanket references, such as "all medical records," "personnel file" or "records produced during discovery," do not specifically identify an exhibit.

(5) A party may serve a copy of the actual intended exhibits in lieu of an exhibit list.

(6) Evidentiary depositions pursuant to Iowa Code section 10A.319(2) may be taken at any time before the hearing in lieu of the witness testifying at the hearing.

e. At least 14 days before the hearing, the parties shall file proposed hearing exhibits.

(1) The proposed joint exhibits shall not exceed 100 pages. The proposed claimant's exhibits shall not exceed 50 pages.

(2) The proposed defendants' exhibits shall not exceed 50 pages.

(3) The workers' compensation commissioner or a deputy workers' compensation commissioner may, upon a showing of good cause, allow proposed hearing exhibits in excess of the page limits mentioned herein.

2506.48(4) If evidence is offered at hearing that was not disclosed in the time and manner required by these rules, as altered by order of the workers' compensation commissioner or a deputy workers' compensation commissioner or by a written agreement by the parties, the evidence will be excluded unless the offering party demonstrates good cause for failure to comply with the rules or order. Sanctions may be imposed pursuant to rule 876—2506.62(10A) in addition to or in lieu of exclusion if exclusion is not an effective remedy for the prejudice.

2506.48(5) Counsel and pro se litigants shall prepare a hearing report that defines the claims, defenses, and issues that are to be submitted to the deputy commissioner who presides at the hearing. The hearing report shall be signed by all counsel of record and pro se litigants and submitted to the deputy workers' compensation commissioner when the hearing commences.

2506.48(6) Jurisdictional deadlines, including but not limited to any applicable statute of limitations, cannot be extended. It is each party's responsibility to ensure that a document is filed timely to comply with jurisdictional deadlines. A technical failure, including a failure of WCES, will not excuse a failure to comply with a jurisdictional deadline.

2506.48(7) A party is not excused from missing a jurisdictional or nonjurisdictional filing deadline because of problems attributable to the party.

This rule is intended to implement Iowa Code chapter 10A.

876—2506.49(10A) Prehearing conference. A deputy workers' compensation commissioner or the workers' compensation commissioner may order parties in the case to either appear before the workers' compensation commissioner or a deputy workers' compensation commissioner for a conference, or communicate with the workers' compensation commissioner or a deputy workers' compensation commissioner and with each other in any manner as may be prescribed to consider, so far as applicable to the particular case:

2506.49(1) The necessity or desirability of amending pleadings by formal amendment or prehearing order;

2506.49(2) Agreeing to admissions of facts, documents or records not really controverted, to avoid unnecessary proof;

2506.49(3) Limiting the number of witnesses;

2506.49(4) Settling any facts of which the workers' compensation commissioner or a deputy workers' compensation commissioner is to be asked to take official notice;

2506.49(5) Stating and simplifying the factual and legal issues to be determined;

2506.49(6) Specifying the items and amounts of compensation claimed;

2506.49(7) Specifying all proposed exhibits and proof thereof;

2506.49(8) Consolidation of cases and bifurcation of issues;

2506.49(9) Specifying all witnesses expected to testify;

2506.49(10) Possibility of settlement;

2506.49(11) Filing of advance briefs, if any;

2506.49(12) Setting or altering dates for completion of discovery or completion of medical evidence by each party;

2506.49(13) Any other matter which may facilitate, expedite, or simplify any contested case.

This rule is intended to implement Iowa Code sections 10A.318 and 10A.319.

876—2506.50(10A) Prehearing conference record. At the request of any attorney in the case, or at the discretion of a deputy workers' compensation commissioner or the workers' compensation commissioner, the entire prehearing conference or any designated part thereof shall be recorded and the cost of the reporter shall be assessed to the requesting party or, if directed by the workers' compensation commissioner or deputy workers' compensation commissioner, assessed as costs.

This rule is intended to implement Iowa Code sections 10A.318 and 10A.319.

876—2506.51(10A) Assignment for hearing. Contested cases shall be set for hearing within the discretion of the workers' compensation commissioner as soon as practicable after the parties have had adequate opportunity to prepare for hearing. A party may request in writing that no hearing in

a contested case be held until such time as specified matters have been accomplished or specified events have occurred. Continuances of hearings in contested cases shall be granted only by the workers' compensation commissioner or the commissioner's designee. Continuances are governed by Iowa Rules of Civil Procedure 1.910 through 1.912. Requests for continuance shall also state in detail the reasons for the request and whether the opposing party accedes to the request. Defendants shall promptly notify the workers' compensation commissioner of settlements.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

876—2506.52(10A,17A,85,85A,85B) Rehearing. Any party may file an application for rehearing of a proposed decision in any contested case by a deputy workers' compensation commissioner or a decision in any contested case by the workers' compensation commissioner within 20 days after the issuance of the decision. If a party has been allowed to file not using WCES or a party to the claim is not in WCES, a copy of such application shall be timely mailed by the applicant to all parties of record not joining therein. An application for rehearing shall be deemed denied unless the deputy commissioner or workers' compensation commissioner rendering the decision grants the application within 20 days after its filing. For purposes of this rule, motions or requests for reconsideration or new trial or retrial or any reexamination of any decision, ruling, or order shall be treated the same as an application for rehearing.

This rule is intended to implement Iowa Code chapters 10A, 17A, and 85 through 85B.

876—2506.53(10A,17A) Appeal when rehearing requested. An appeal to or a review on a motion of the workers' compensation commissioner must be filed within 20 days after the application for rehearing of a proposed decision by a deputy workers' compensation commissioner under rule 876—2506.52(10A,17A,85,85A,85B) has been denied or deemed denied or a decision on rehearing has been issued. If a notice of appeal is filed by one party and an application for rehearing is filed by a different party, the deputy retains jurisdiction to act on the application for rehearing, and the notice of appeal is stayed and deemed to have been filed on the day after the application for rehearing is denied or deemed denied or the decision on rehearing is issued.

This rule is intended to implement Iowa Code sections 10A.321, 17A.15, and 17A.16.

876—2506.54(10A,17A) Appeal.

2506.54(1) Except as provided in rules 876—2506.33(10A) and 876—2506.53(10A,17A), an appeal to the commissioner from a decision, order or ruling of a deputy commissioner in contested case proceedings shall be commenced within 20 days of the filing of the decision, order or ruling by filing a notice of appeal with the workers' compensation commissioner. If two or more contested cases were consolidated for hearing, the notice of appeal shall specify which of the contested cases are being appealed. The date the notice of appeal is filed shall be the date the notice of appeal is received by the agency. The notice shall be served on the opposing parties as provided in rule 876—2506.43(10A,17A). An appeal shall be heard in Polk County or in any location designated by the workers' compensation commissioner.

2506.54(2) An interlocutory decision, order or ruling can be appealed only as hereinafter provided. A decision, order or ruling is interlocutory if, when issued, it does not dispose of all issues in the contested case that are ripe for adjudication. If the sole issue remaining for determination is claimant's entitlement to additional compensation for unreasonable denial or delay of payment pursuant to Iowa Code section 10A.315, the decision is not interlocutory. An adjudication that awards ongoing payments of weekly compensation under Iowa Code section 85.33 or 85.34(1) is not interlocutory. The workers' compensation commissioner may, upon application from any party or on the commissioner's own motion, and upon such terms as the commissioner orders, grant an appeal from an interlocutory decision, order or ruling if the commissioner finds that the ruling affects substantial rights, that the ruling will materially affect the final decision and that determination of the correctness of the ruling will better serve the interests of justice.

2506.54(3) A cross-appeal may be taken under this rule or rule 876—2506.53(10A,17A) in the same manner as an appeal within the 20 days for the taking of an appeal or within 10 days after filing of the appeal, whichever is later.

This rule is intended to implement Iowa Code sections 10A.321 and 17A.15.

876—2506.55(10A) Briefing requirements on appeal.

2506.55(1) The workers' compensation commissioner shall decide an appeal upon the record submitted to the deputy workers' compensation commissioner unless the workers' compensation commissioner is satisfied that additional newly discovered material evidence exists, which could not have been discovered and produced at the hearing with reasonable diligence. A party must file a request for taking additional evidence in WCES within 20 days after the notice of appeal was filed. If a party has been granted a waiver of the mandatory use of WCES, the party shall file the request for taking additional evidence with the division of workers' compensation and serve a copy on the other parties. Any briefs required or allowed by this rule shall be filed promptly following service. The agency will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence.

2506.55(2) Time for serving briefs. An appellant shall serve the appellant's brief within 50 days after the date on which the notice of appeal was filed, or within 20 days after the filing of the hearing transcript, whichever date is later. An appellee shall serve the appellee's brief within 20 days after service of the brief of the appellant. If the appellant serves a reply brief, it shall be done within 10 days after service of the appellee's brief.

2506.55(3) Cross-appeals. In the event of a cross-appeal, an appellee (cross-appellant) shall serve the appellee's brief within 20 days after service of the brief of an appellant. The appellant (cross-appellee) shall serve the appellant's responsive reply brief within 20 days after service of the brief of the appellee. The appellee (cross-appellant) may serve a reply brief within 10 days after service of the appellant's reply brief. When more than one party appeals, the party filing the first notice of appeal will be designated the appellant and the party filing a subsequent notice of appeal will be designated the cross-appellant.

2506.55(4) Multiple adverse parties. In cases involving multiple appeals involving multiple claimants, employers, insurance carriers or the second injury fund, the workers' compensation commissioner shall enter an order establishing a briefing schedule.

2506.55(5) Form of briefs. Respective briefs and exceptions on appeal shall include the following:

a. Statement of the case.

b. Statement of the issues on appeal.

c. An argument corresponding to the separately stated issues and contentions of an appellant with respect to the issues presented and reasons for them, with specific reference to the page or pages of the transcript that are material to the issues on appeal.

d. A short conclusion stating the precise relief sought.

An appellee may submit a brief on appeal replying to the issues presented by the appellant unless a cross-appeal is made in which case the brief of the appellee shall contain the issues and argument involved in the cross-appeal as well as the response to the brief of the appellant.

2506.55(6) Length of briefs. More information can be found in rule 876—2506.63(10A,17A).

2506.55(7) Extensions. One extension of up to 30 days will be granted if a motion to extend the time is served on or before the date service of the brief that is required by this rule. A subsequent extension requires a motion showing good cause. The commissioner may grant a party the right to serve and file a brief after the time to do so has expired if the appeal or cross-appeal has not been dismissed or decided, the party moves for relief within 60 days from the date service of the brief was due, and the motion shows that the failure to timely serve the brief was due to a good cause that could not have been avoided through the exercise of reasonable diligence.

2506.55(8) Issues considered on appeal. The appeal will consider the issues presented for review by the appellant and cross-appellant in their briefs and any issues necessarily incident to or dependent upon the issues that are expressly raised, except as provided in rule 876—2506.56(10A,17A). An issue will not be considered on appeal if the issue could have been but was not presented to the deputy workers' compensation commissioner. An issue raised on appeal is decided de novo and the scope of the

issue is viewed broadly. If the ruling from which the appeal was taken made a choice between alternative findings of fact, conclusions of law, theories of recovery or defenses and the alternative selected in the ruling is challenged as an issue on appeal, de novo review includes reconsideration of all alternatives that were available to the deputy workers' compensation commissioner.

2506.55(9) Sanctions. If an appellant's brief or cross-appellant's brief is not served and filed within the time required by this rule, including any extension, the party defending against the appeal or cross-appeal may move for dismissal. If an appellant's brief or cross-appellant's brief is not served within 30 days after the time required by these rules, including any extension, the workers' compensation commissioner will notify the party in default that upon 15 days from service of the notification the appeal or cross-appeal will be dismissed for want of prosecution unless the default is remedied within that period. If the default is not remedied, the appeal or cross-appeal will be dismissed. If an appellee's brief or a cross-appellee's brief is not served and filed, the appeal will be decided without reference to that brief.

This rule is intended to implement Iowa Code section 10A.321.

876—2506.56(10A,17A) Review upon motion. Except as provided in rule 876—2506.53(10A,17A), the workers' compensation commissioner may review the decision, order or ruling of a deputy workers' compensation commissioner in any contested case upon the workers' compensation commissioner's own motion. Except as provided in rule 876—2506.53(10A,17A), the motion to review a decision, order or ruling in all contested cases must be filed within 20 days of the filing of the decision, order or ruling. The workers' compensation commissioner shall specify in a notice filed in WCES or mailed to the parties by certified mail, return receipt requested, on the date of filing of the motion the issues to be reviewed and the additional evidence, if any, to be obtained by the parties. The hearing under this rule shall be heard in Polk County or in any locality designated by the workers' compensation commissioner.

This rule is intended to implement Iowa Code sections 10A.321 and 17A.15.

876—2506.57(10A,17A) Transcript on appeal or review. When an appeal to or a review on a motion of the workers' compensation commissioner is taken pursuant to rule 876—2506.54(10A,17A) or 876—2506.56(10A,17A), a transcript of the proceedings before the workers' compensation commissioner shall be filed with the workers' compensation commissioner within 30 days after the notice of the appeal is filed with the workers' compensation commissioner. The appealing party shall bear the initial cost of transcription on appeal and shall pay the certified shorthand reporter or service for the transcript. In the event there is a cross-appeal, the appellant and cross-appellant shall share the cost of the transcript. In the event the cost of the transcript has been initially borne by a nonappealing party prior to appeal, the nonappealing party is entitled to reimbursement within 30 days after serving on the appealing party proof of the cost of the transcript. If not so reimbursed, the appeal may be dismissed.

This rule is intended to implement Iowa Code sections 10A.320, 10A.321, 10A.328, 17A.12, and 17A.15.

876—2506.58(10A) Recording of proceedings. The workers' compensation commissioner may arrange for the attendance of a certified shorthand reporter or mechanical means to record proceedings in contested cases. The workers' compensation commissioner may require a defendant employer or on appeal to the workers' compensation commissioner, an appellant, to arrange for the attendance of a certified shorthand reporter or adequate mechanical means of recording the proceedings. The charges for attendance shall be paid initially to the certified shorthand reporter or service by the defendant employer or, on an appeal to the workers' compensation commissioner, the appellant. The charges shall be taxed as costs. The party initially paying the expense shall be reimbursed by the party taxed with the cost. If the expense is unpaid, it shall be paid by the party taxed with the cost.

This rule is intended to implement Iowa Code section 10A.320.

876—2506.59(10A) Costs.

2506.59(1) Costs taxed by the workers' compensation commissioner or a deputy workers' compensation commissioner shall be:

a. Attendance of a certified shorthand reporter or presence of mechanical means at hearings and evidential depositions;

b. Transcription costs when appropriate;

c. Costs of service of the original notice and subpoenas;

d. Witness fees and expenses as provided by Iowa Code sections 622.69 and 622.72;

e. The costs of doctors' and practitioners' deposition testimony, provided that said costs do not exceed the amounts provided by Iowa Code sections 622.69 and 622.72;

f. The reasonable costs of obtaining no more than two doctors' or practitioners' reports;

g. Filing fees when appropriate, including convenience fees incurred by using the WCES payment gateway; and

h. Costs of persons reviewing health service disputes.

2506.59(2) Costs of service of notice and subpoenas shall be paid initially to the serving person or agency by the party utilizing the service. Expenses and fees of witnesses or of obtaining doctors' or practitioners' reports initially shall be paid to the witnesses, doctors or practitioners by the party on whose behalf the witness is called or by whom the report is requested. Witness fees shall be paid in accordance with Iowa Code section 622.74. Proof of payment of any cost shall be filed with the workers' compensation commissioner before costs are taxed. The party initially paying the expense shall be reimbursed by the party taxed with the cost. If the expense is unpaid, it shall be paid by the party taxed with the cost. Costs are to be assessed at the discretion of the deputy workers' compensation commissioner or workers' compensation commissioner hearing the case unless otherwise required by the Iowa Rules of Civil Procedure governing discovery.

This rule is intended to implement Iowa Code section 10A.328.

876—2506.60(10A,17A) Dismissal for lack of prosecution. It is the declared policy that in the exercise of reasonable diligence, all contested cases before the workers' compensation commissioner, except under unusual circumstances, shall be brought to issue and heard at the earliest possible time. To accomplish such purpose, the workers' compensation commissioner may take the following action:

2506.60(1) Any contested case, where the original notice and petition is on file in excess of two years, may be subject to dismissal after the notice described in subrule 2506.60(2) is sent to all parties and after the time as provided for in the notice.

2506.60(2) After the circumstances provided in subrule 2506.60(1) occur, all parties to the action, or their attorneys, shall be sent a notice from the division of workers' compensation by certified mail containing the following:

a. The names of the parties;

b. The date or dates of injury involved in the contested case or appeal proceeding;

c. Counsel appearing;

d. Date of filing of the petition or appeal;

e. That the contested case proceeding will be dismissed without prejudice on the thirtieth day following the date of the notice unless good cause is shown why the contested case proceeding should not be dismissed.

2506.60(3) The action or actions dismissed may, at the discretion of the workers' compensation commissioner, and shall, upon a showing that such dismissal was the result of oversight, mistake or other reasonable cause, be reinstated. Applications for such reinstatement, setting forth the grounds, shall be filed within three months from the date of dismissal.

This rule is intended to implement Iowa Code sections 10A.310, 10A.319, and 17A.3(1)*"b."*

876—2506.61(10A,17A) Rules of civil procedure. The rules of civil procedure shall govern the contested case proceedings before the workers' compensation commissioner unless the provisions are in conflict with these rules and Iowa Code chapters 10A, 17A, 85, 85A, 85B, and 87. In those circumstances, these rules or the appropriate Iowa Code section shall govern. Where appropriate, reference to the word "court" shall be deemed reference to the "workers' compensation commissioner" and reference to the word "trial" shall be deemed reference to "contested case hearing."

This rule is intended to implement Iowa Code sections 10A.310, 17A.1, and 17A.12 through 17A.14.

876—2506.62(10A) Compliance with order or rules. If any party to a contested case or an attorney representing such party shall fail to comply with these rules or any order of a deputy workers' compensation commissioner or the workers' compensation commissioner, the deputy workers' compensation commissioner or workers' compensation commissioner may impose sanctions that may include dismissing the action without prejudice, excluding or limiting evidence, assessing costs or expenses, and closing the record in whole or in part to further activity by the party.

This rule is intended to implement Iowa Code section 10A.310.

876—2506.63(10A,17A) Length of briefs. Except by permission of the presiding deputy workers' compensation commissioner or by permission of the workers' compensation commissioner when an appeal pursuant to rule 876—2506.54(10A,17A) has been filed, principal briefs shall not exceed 50 Arabic-numbered pages. Reply briefs shall not exceed 25 Arabic-numbered pages. In the event of a cross-appeal, an appellant's (cross-appellee's) responsive reply brief shall be considered a principal brief. The type used shall not be smaller than pica type, and each line shall contain an average of no more than 60 characters. If a brief is submitted in excess of the length allowed in this rule, the portion exceeding the allowable length will not be considered. This rule does not prohibit a presiding deputy workers' compensation commissioner or the workers' compensation commissioner from limiting the length of a brief. An exception to this rule is the length of briefs (three pages) in an application for alternate care.

This rule is intended to implement Iowa Code sections 10A.310, 10A.319, 10A.321, 17A.12, and 17A.15.

876—2506.64(10A,17A,85) Contested case proceedings—health service disputes.

2506.64(1) More information about informal resolution procedures and definitions can be found in rule 876—10.3(17A,85,86). The following definition also applies to this rule:

"Petitioning party" means the person who requests or initiates a contested case proceeding.

2506.64(2) If utilization of the procedures given in rule 876—10.3(17A,85,86) does not resolve the dispute and the parties have complied with the good faith requirements of rule 876—10.1(17A,85,86), a contested case may be initiated. The procedures given in rule 876—10.3(17A,85,86) must be used prior to initiation of a contested case. The provider or the responsible party that is unwilling to accept the determination of the person making a determination after reviewing the dispute as provided in rule 876—10.3(17A,85,86) shall initiate the contested case proceeding. The proceeding shall be initiated as provided in this chapter and Iowa Code chapter 17A and shall follow the provisions of this rule. The proceeding must be initiated within 30 days of the date of the determination made pursuant to rule 876—10.3(17A,85,86). If a contested case proceeding is not initiated or is not initiated within the time provided in this rule, the allowed amount of the charge by the provider shall be the amount determined pursuant to rule 876—10.3(17A,85,86).

2506.64(3) The evidence submitted in the contested case proceeding shall be limited to the evidence submitted pursuant to rule 876—10.3(17A,85,86) and a copy of the determination made pursuant to rule 876—10.3(17A,85,86). This evidence shall be filed by the party requesting the contested case proceeding at the time the contested case proceeding is initiated. However, the workers' compensation commissioner may request that additional evidence be submitted or may grant submission of additional evidence if the workers' compensation commissioner is satisfied that there exists additional material evidence, newly discovered, which could not with reasonable diligence be discovered and produced pursuant to rule 876—10.3(17A,85,86). The issues of the contested case proceeding shall be limited to the dispute considered in rule 876—10.3(17A,85,86).

2506.64(4) The petitioning party has the burden of proof.

2506.64(5) If the petitioning party wishes to file a brief, the brief must be filed with the request for contested case proceeding.

2506.64(6) The opposing party must file a response within 30 days of the date of service of the request for a contested case proceeding.

2506.64(7) If the opposing party wishes to file a brief, the brief must be filed with the response.

2506.64(8) Sixty days after the request for a contested case is filed with the workers' compensation commissioner, the workers' compensation commissioner will review the matter. The notice of the review to the parties shall meet the provisions of this rule and no other notice will be given.

2506.64(9) The workers' compensation commissioner shall review the matter and make a decision as soon as practicable after the review. The decision shall be as provided in this chapter and Iowa Code chapter 17A.

This rule is intended to implement Iowa Code sections 10A.310, 10A.327, 17A.10, 17A.12, 17A.14, and 85.27.

876—2506.65(10A,17A,85) Application for alternate care.

2506.65(1) *Purpose.* The purpose of this rule is to establish the procedures for issuing decisions on applications for alternate care within the time provided in Iowa Code section 85.27.

2506.65(2) *Definitions.* The following definitions apply to this rule:

"Application for alternate care," hereinafter referred to as "application," shall mean a contested case proceeding filed with the workers' compensation commissioner that requests alternate care pursuant to Iowa Code section 85.27.

"Employer" means the person or entity that is liable for payment of medical services provided pursuant to the Iowa workers' compensation laws and includes an employer, an employer who has been relieved from insurance pursuant to Iowa Code section 87.11, and an insurance carrier that provides an employer with workers' compensation insurance.

"Proper application" means an application for alternate care that complies with the requirements of this rule.

2506.65(3) *Dissatisfaction—basis.* Prior to filing the application, the employee must communicate the basis of dissatisfaction of the care to the employer.

2506.65(4) *Application.* The application shall:

a. Be filed on the form provided by the workers' compensation commissioner;

b. Concern only the issue of alternate care;

c. State the reasons for the employee's dissatisfaction with the care chosen by the employer;

d. Be served on the employer;

e. Contain proof of service on the employer; and

f. Specify whether a telephone or in-person hearing is requested.

2506.65(5) *Fee.* No filing fee is due. More information can be found in paragraph 2506.38(2)*"a."*

2506.65(6) *Employer liability.* Application cannot be filed under this rule if the liability of the employer is an issue. If an application is filed where the liability of the employer is an issue, the application will be dismissed without prejudice. (Petitions for alternate care where liability of the employer is an issue should be filed pursuant to subrule 2506.32(3).)

2506.65(7) *Notice of hearing.* The workers' compensation commissioner will notify the parties by ordinary mail, by facsimile transmission (fax), by electronic mail (email), or by WCES of the time, place and nature of the hearing. No notice will be made until a proper application is received by the workers' compensation commissioner. The notice will specify whether the hearing will be by telephone, in person or by digital means.

2506.65(8) *Appearance or answer.* After being served with an application for alternate care, the employer shall file an appearance of answer as soon as practicable before the time of the hearing.

2506.65(9) *Discovery and evidence.* All discovery must be completed prior to the contested case hearing. Any written evidence to be used by the employer or the employee must be exchanged prior to the hearing. All written evidence must be filed with the agency before the date of the hearing. Written evidence shall be limited to ten pages per party.

2506.65(10) *Motions.* All motions except as provided in this subrule will be considered at the hearing. A timely motion to change the type of hearing (telephone or in-person) may be considered prior to the hearing. The workers' compensation commissioner will make no rulings on discovery matters or motions.

2506.65(11) *Briefs.* Hearing briefs, if any, must be filed with the agency before the date of the hearing and shall be limited to three pages.

2506.65(12) *Hearing.* The hearing will be held by telephone, in person or by digital means in Des Moines, Iowa. The employer shall have the right to request an in-person hearing if the employee has requested a telephone hearing in the application. The employer shall on the record respond to the allegations contained in the application. The hearing will be electronically recorded. If there is an appeal of a proposed decision or judicial review of final agency action, the appealing party is responsible for filing a transcript of the hearing.

2506.65(13) *Transcripts.* Copies of the recording will be provided to the parties upon notice of appeal. A transcript shall be provided by the appealing party pursuant to Iowa Code section 10A.321(4), and a copy thereof shall be served on the opposing party at the time the transcript is filed with the workers' compensation commissioner unless the parties submit an agreed-upon transcript. If a party disputes the accuracy of any transcript prepared by the opposing party, that party shall submit its contentions to the workers' compensation commissioner for resolution. Any transcription charges incurred by the workers' compensation commissioner in resolving the dispute shall be initially paid pursuant to Iowa Code section 10A.320(1) by the party that disputes the accuracy of the transcript prepared by the appellant.

2506.65(14) *Represented party.* A party may be represented as provided in Iowa Code section 631.14. The presiding deputy workers' compensation commissioner may permit a party who is a natural person to be assisted during a hearing by any person who does so without cost to that party if the assistance promotes full and fair disclosure of the facts or otherwise enhances the conduct of the hearing. The employer and the employer's insurance carrier shall be treated as one party unless their interests appear to be in conflict and a representative of either the employer or the employer's insurance carrier shall be deemed to be a representative of both unless notice to the contrary is given.

2506.65(15) *Decision.* A decision will be issued within 10 working days of receipt of a proper application when a telephone hearing is held or within 14 working days of receipt of a proper application when an in-person hearing is held.

This rule is intended to implement Iowa Code sections 10A.310, 10A.318, 17A.12, and 85.27.

876—2506.66(10A,17A,85) Method of holding hearing.

2506.66(1) Any hearing held under this chapter may be by voice or video technology, including but not limited to Internet-based video.

2506.66(2) A hearing shall not be held in proceedings under subrules 2506.32(8) through 2506.32(12) unless otherwise ordered or requested in writing by the petitioner in the original notice and petition or by the respondent within ten days following the time allowed by these rules for appearance.

This rule is intended to implement Iowa Code sections 10A.310, 10A.318, 10A.319, 17A.12, and 85.27.

876—2506.67(10A,17A,85) Vocational training, education, and supplies.

2506.67(1) *Purpose.* The purpose of this rule is to establish the procedures for issuing decisions on applications for vocational training, education, and supplies provided for in Iowa Code section 85.70(2).

2506.67(2) *Definitions.* The following definitions apply to this rule:

"Application for vocational training and education hearing" or *"application"* means a contested case proceeding filed with the division of workers' compensation contesting the results of an evaluation and determination or contesting or requesting the termination of a vocational training and education program.

"Evaluation and determination" means an assessment conducted by the department of workforce development to determine if the employee would benefit from a vocational training and education program offered through an area community college to allow the employee to return to the workforce.

"Request for vocational training and education" or *"request"* means a written request for an evaluation and determination of whether an employee is entitled to vocational training, education, and supplies.

"Vocational training and education" shall include general educational development programs for employees who have not graduated from high school or obtained a general education diploma, and career and technical education programs that provide instruction in the areas of agriculture, family and consumer sciences, health occupations, business, industrial technology, and marketing offered through an area community college that will allow the employee to return to the workforce.

2506.67(3) *Application for vocational training and education.*

a. An application shall:

(1) Only concern the issue of vocational training, education, and supplies;

(2) Be filed on the form provided by the division of workers' compensation;

(3) State the reasons for the application;

(4) Be served on the other party;

(5) Contain a proof of service on the other party; and

(6) Specify whether a telephone or in-person hearing is requested.

b. An application for vocational training and education must be filed in WCES unless a party has been granted a waiver of the mandatory use of WCES, in which case the party shall file the application for vocational training and education with the division of workers' compensation. Applicant(s) must serve a copy of this form on an appellee(s) by certified mail, return receipt requested, or by personal service as in civil actions in accordance with rule 876—2506.37(17A,85) and mail a copy to the attorney of record for the appellee(s), if known, in accordance with rule 876—2506.43(10A,17A).

2506.67(4) *Fee.* No filing fee is due. More information can be found in paragraph 2506.38(2)*"a."*

2506.67(5) *Request for vocational education and training.* Prior to filing an application, the employee shall complete a request on a form supplied by the department of workforce development and submit the completed form to the department of workforce development asking for an evaluation and determination. The employee, employer, or insurance carrier may contest the results of the evaluation and determination by filing an application with the division of workers' compensation.

2506.67(6) *Proper application.* An application may not be filed under this rule until:

a. An evaluation and determination has been made by the department of workforce development; and

b. There has been a finding by the division of workers' compensation or the employer or the employer's insurance carrier or both and the employee agrees that the employee has sustained an injury to the shoulder resulting in a permanent partial disability for which compensation is payable under Iowa Code section 85.34(2)*"n"* and the employee cannot return to gainful employment because of such disability.

2506.67(7) *Notice of hearing.* The workers' compensation commissioner shall notify the parties by email, ordinary mail, fax, or WCES of the time, place, and nature of the hearing. No notice will be made until a proper application is received by the workers' compensation commissioner. The notice shall specify whether the hearing will be held by telephone, in person, or by digital means.

2506.67(8) *Evidence.* Any written evidence to be used by the employer, the employer's insurance carrier, or the employee must be exchanged prior to the hearing. All written evidence must be filed with the agency before the date of hearing. Written evidence shall be limited to 50 pages per party.

2506.67(9) *Motion to change hearing type.* A timely motion to change the hearing type (by telephone, in person, or by digital means) may be considered prior to the hearing. The workers' compensation commissioner will make no rulings on other types of motions.

2506.67(10) *Briefs.* Hearing briefs, if any, must be filed with the agency before the date of the hearing and shall be limited to five pages.

2506.67(11) *Hearing.* The hearing will be held either by telephone, in person in Des Moines, Iowa, or by digital means. If the party filing the application does not request an in-person hearing in the application, the other parties may request an in-person hearing. The hearing will be recorded electronically. Copies of the recording will be provided to the parties. If there is an appeal of a proposed decision or judicial review of final agency action, the appealing party is responsible for filing a transcript of the hearing. A transcript shall be provided by the appealing party pursuant to Iowa Code section 10A.321(4) and a copy of the transcript shall be served on the opposing party at the time the transcript is

filed with the workers' compensation commissioner unless the parties submit an agreed-upon transcript. If a party disputes the accuracy of any transcript prepared by the opposing party, that party shall submit its contentions to the workers' compensation commissioner for resolution. Any transcription charges incurred by the workers' compensation commissioner in resolving the dispute shall be initially paid pursuant to Iowa Code section 10A.320(1) by the party that disputes the accuracy of the transcript prepared by the appellant.

2506.67(12) *Represented party.* A party may be represented as provided in Iowa Code section 631.14. The presiding deputy workers' compensation commissioner may permit a party who is a natural person to be assisted during a hearing by any person who does so without cost to that party if the assistance promotes full and fair disclosure of the facts or otherwise enhances the conduct of the hearing. The employer and the employer's insurance carrier shall be treated as one party unless their interests appear to be in conflict and a representative of either the employer or the employer's insurance carrier shall be deemed to be a representative of both unless notice to the contrary is given.

2506.67(13) *Decision.* A decision will be issued within 30 working days of receipt of a proper application.

This rule is intended to implement Iowa Code sections 10A.318, 17A.12, and 85.70(2).

876—2506.68(10A,17A) Agency notice of judicial review matters. A party that petitions for judicial review shall file a copy of the petition for judicial review in WCES within ten days of filing the petition with a district court. If a party has been granted a waiver of the mandatory use of WCES, the party shall file a copy of the petition for judicial review with the division of workers' compensation within ten days of filing the petition with a district court. A party shall also file a copy of each appellate court decision in WCES within ten days of the date the appellate court decision was issued and filed. If a party has been granted a waiver of the mandatory use of WCES, the party shall file a copy of the appellate court decision with the division of workers' compensation within ten days of the date the appellate court decision was issued and filed. Within 45 days of the filing of the final appellate court decision, the same party shall notify the division of workers' compensation of the result of the appellate process.

This rule is intended to implement Iowa Code sections 10A.322 and 17A.19.

876—2506.69(10A,17A,85,85A,85B) Rule of electronic procedure. Chapter 16 of the Iowa Court Rules of Electronic Procedure shall govern the use and filings in WCES for contested case proceedings before the workers' compensation commissioner unless the provisions are in conflict with these rules or Iowa Code chapters 10A, 17A, 85 through 85B, and 87 or obviously inapplicable to the workers' compensation commissioner. In those circumstances, these rules or the appropriate Iowa Code section shall govern. Where appropriate, reference to the word "court" shall be deemed reference to the "workers' compensation commissioner or deputy workers' compensation commissioner," reference to the word "trial" shall be deemed reference to "contested case hearing," and reference to "clerk of court" shall be deemed reference to staff at the workers' compensation division.

This rule is intended to implement Iowa Code chapters 10A, 17A, and 85 through 85B.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0412D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to state building code

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 301, "State Building Code," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 103A.7 and 103A.8A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 103A.

Purpose and Summary

Iowa Code section 103A.7(1) provides that the State Building Code Commissioner is empowered and directed to formulate, adopt, and amend or revise State Building Code rules. Pursuant to Iowa Code section 103A.7(2), the rules shall include (among other things) reasonable provisions for the conservation of energy through thermal efficiency standards for buildings intended for human occupancy and that are heated or cooled and lighting efficiency standards for buildings intended for human occupancy that are lighted. Additionally, pursuant to Iowa Code section 103A.8A, the State Building Code Commissioner shall adopt as a part of the State Building Code a requirement that new single-family or two-family residential construction shall comply with energy conservation requirements.

The purpose of this rulemaking is to amend the energy conservation provisions of the State Building Code to increase the acceptable air leakage rate when simulated energy performance analysis is utilized. For a number of years, the energy conservation rules of the State Building Code have amended the adopted International Energy Conservation Code (2012 Edition) (IECC (2012)) to increase the acceptable air leakage rate when using physical testing with a blower door from three air changes per hour to four air changes per hour (in Climate Zones 3 through 8, which encompass Iowa). This amendment can currently be found in subrule 301.24(9). Note that the physical testing of air leakage rate with a blower door is a mandatory provision that must be performed on all constructed residences.

To demonstrate compliance, the IECC (2012) provides a general prescriptive route and an alternative performance route, or "simulated performance alternative." As the name suggests, this alternative is a simulated analysis using software that is conducted on proposed residential construction (i.e., before construction is completed). The simulated energy performance analysis has many fields or building components, of which air exchange rate is just one. The acceptable air leakage rate under the IECC (2012) simulated energy performance analysis is three air changes per hour, and it is not currently amended by State rules. It has come to the Department's attention that this has created confusion within the home builder industry and with local enforcement of these provisions, with some in the field believing that the amendment to acceptable air leakage rate for physical testing also applies to the acceptable air leakage rate that is one component of the simulated energy performance analysis. To alleviate this confusion, the Department is amending IECC (2012) by State rule to allow for four air changes per hour during the simulated energy performance analysis.

Additionally, this rulemaking would make the simulated energy performance analysis less restrictive, consistent with the directives of Executive Order 10 (January 10, 2023). The Department has received preclearance for this rulemaking from the Administrative Rules Coordinator pursuant to Section IV(A)(i) of Executive Order 10.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 18, 2026, as **ARC 0123D**. Public hearings were held on the following date(s):

- April 7, 2026
- April 8, 2026

No one attended the public hearings.

The Department received written comments from the Iowa Chapter of the American Institute of Architects, with comments related to the distinction between modeling and tested results, the appropriate response to the above-noted confusion in the industry, concerns regarding potential energy performance reduction, and more. The Department fully considered these comments; however, there were no changes made based upon them.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commissioner on June 16, 2026. Pursuant to Iowa Code sections 103A.7(1) and 103A.14, the State Building Code Advisory Council approved adoption of this rulemaking at a June 3, 2026, public meeting.

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 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** subrule 301.24(12):

301.24(12) Delete the first clause of the Standard Reference Design for Building Component "Air exchange rate" in Table R405.5.2(1) and insert in lieu thereof the following new clause: "Air leakage of 5 air changes per hour in Climate Zones 1 and 2, and 4 air changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g. (50 Pa)."

[Filed 6/16/26, effective 8/12/26]
[Published 7/8/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0413D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to payment of small claims to employees

The Public Safety Department hereby rescinds Chapter 41, "Payment of Small Claims to Employees," Iowa Administrative Code, and adopts a new Chapter 41 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 80.18.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.18.

Purpose and Summary

Pursuant to Executive Order 10, the Department hereby rescinds Chapter 41 and adopts a new chapter in lieu thereof. The chapter outlines the process and requirements for an employee to file a small claim with the Department for payment as reimbursement for replacement or repair of personal items that were damaged or destroyed during the course of employment pursuant to Iowa Code section 80.18.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0226D**. A public hearing was held on the following date(s):

- May 19, 2026
- May 20, 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 June 12, 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 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 41 and adopt the following **new** chapter in lieu thereof:

CHAPTER 41
PAYMENT OF SMALL CLAIMS TO EMPLOYEES

661—41.1(17A,80) Authorization to reimburse. The department is authorized to expend up to $150 per item, or any other amount authorized by a collective bargaining agreement to which an individual employee is subject, as reimbursement for replacement or repair of personal items pursuant to Iowa Code section 80.18. The following requirements apply for filing such claims with the department:

41.1(1) An employee making a claim for reimbursement will provide the employee's immediate supervisor with a detailed written account of the circumstances under which the loss occurred; a description of the nature and ownership of the item destroyed or damaged; and any available information, including the names and other identifiers of any witness, that can be used to verify the loss.

41.1(2) An employee filing a claim for reimbursement pursuant to this rule will also provide the employee's immediate supervisor with vendors' estimates of replacement costs and with estimates of repair costs of damaged items.

41.1(3) Reimbursement shall be based on a determination of the most economical and adequate compensation for the loss, taking into account the extent of the damage, the feasibility of repair and the cost of replacement.

This rule is intended to implement Iowa Code section 80.18.

[Filed 6/12/26, effective 8/12/26]
[Published 7/8/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0414D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to the DNA database

The Public Safety Department hereby rescinds Chapter 156, "DNA Database," Iowa Administrative Code, and adopts a new Chapter 156 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 81.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 81.

Purpose and Summary

Pursuant to Executive Order 10, the Department hereby rescinds Chapter 156 and adopts a new chapter in lieu thereof. The purpose of Chapter 156 is to govern the administration of the DNA database

and the collection, submission, analysis, identification, storage, expungement, and disposition of DNA records gathered for the database.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0225D**. A public hearing was held on the following date(s):

- May 19, 2026
- May 20, 2026

No one attended the public hearings. No public comments were received.

Pursuant to Executive Order 10, the Department removed rule 661—156.10(81), Expungement of DNA Samples, since it is duplicative of Iowa Code section 81.9. However, upon further review, Iowa Code section 81.9 directs the Department to adopt rules outlining the expungement process. As such, the Department is reinstating rule 661—156.10(81), renumbered herein as 661—156.9(81).

Additionally, the reference to 661—Chapter 10 in subrule 156.9(2) was removed and replaced with 7—Chapter 2506, "Contested Cases," since 661—Chapter 10 was rescinded effective July 1, 2026, pursuant to 2026 Iowa Acts, Senate File 2463.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 3, 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 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 156 and adopt the following **new** chapter in lieu thereof:

CHAPTER 156
DNA DATABASE

661—156.1(81) Establishment of DNA database. There is established a DNA database within the division criminalistics laboratory. These rules govern the administration of the DNA database and the collection, submission, analysis, identification, storage, and disposition of DNA records gathered for the

DNA database. These rules do not apply to the collection and handling of DNA samples gathered as evidence in the course of criminal investigations.

661—156.2(81) Definitions. The following definitions apply to rules 661—156.1(81) through 661—156.9(81):

"Administrator" means the administrator of the division criminalistics laboratory.

"Commissioner" means the commissioner of public safety.

"Database" means the DNA database located in the division criminalistics laboratory.

"Department" means the department of public safety.

"Director" means the director of the division.

"Division" means the division of criminal investigation.

"DNA" means deoxyribonucleic acid.

"Expungement" means the removal of information from the database, effectively severing any ability to link a DNA profile and an individual.

"Laboratory" means the division criminalistics laboratory.

661—156.3(81) Administration of DNA database. The database is under the direct supervision of a supervising criminalist employed by the laboratory and designated by the administrator.

661—156.4(81) Collection of DNA samples. Samples of DNA will be collected from any person required to submit a sample pursuant to the provisions of Iowa Code chapter 81.

156.4(1) The sample will be collected by the agency to which custody or responsibility for supervision has been assigned by the court issuing the sentencing order.

156.4(2) Each DNA sample will be collected as soon as is practical after an agency assumes custody or supervision of the person required to submit the DNA sample and the DNA sample is submitted to the laboratory in accordance with rule 661—156.5(81).

156.4(3) Each DNA sample will be collected using a DNA collection kit provided by the laboratory, following the instructions provided for the kit by the laboratory.

EXCEPTION: A DNA sample may be collected without the use of a DNA collection kit provided by the laboratory. If a sample is collected without the use of a kit, the person submitting the sample will include a signed and dated statement describing the collection procedure.

661—156.5(81) Submission of DNA samples.

156.5(1) All samples collected for inclusion in the database should be submitted to the following address:

Iowa DCI Criminalistics Laboratory
2240 South Ankeny Boulevard
Ankeny, Iowa 50023-9093

EXCEPTION: Each sample submitted in a package with a preprinted mailing address or with a mailing label with a preprinted address, when such package or label has been provided by the laboratory, will be mailed to the preprinted address. Any other sample will be mailed in accordance with instructions provided by the laboratory.

156.5(2) Each sample submitted will be accompanied by a completed DNA sample donor identification form included in the DNA collection kit provided by the laboratory. If the sample is submitted without the donor identification form, the sample will be accompanied by a statement signed and dated by the person submitting it, with at least the following information identifying the subject of the DNA sample: full name, date of birth, and a clear fingerprint. Additional identifying information, such as the social security number of the person providing the sample or identifying numbers assigned by state agencies, will be provided if available.

661—156.6(81) Analysis of DNA samples. Samples of DNA submitted to the laboratory will be analyzed by laboratory personnel and the results of the analysis entered into the database in accordance with the provisions of the "Quality Assurance Standards for Convicted Offender DNA Databasing

Laboratories" published by the DNA Advisory Board to the Federal Bureau of Investigation, July 1, 2025.

EXCEPTION: Analysis of DNA samples may be conducted by other laboratories under contract with the department with the approval of the administrator. Any other laboratory conducting analysis of DNA samples for inclusion in the database will comply with the requirements and procedures to which the laboratory is subject under this rule.

661—156.7(81) Identification of DNA samples. Each sample of DNA submitted for inclusion in the database will be identified by a unique number that will reference the full name of the person whose sample is submitted, the person's date of birth, and a clear fingerprint taken from the person.

661—156.8(81) Storage of DNA samples. Samples of DNA submitted for inclusion in the database will be stored at room temperature.

661—156.9(81) Expungement of DNA samples.

156.9(1) A person whose DNA record has been included in the database may request expungement of the DNA record from the database based upon the reversal on appeal or dismissal of the case of the person's conviction, adjudication, or civil commitment that caused the submission of the DNA sample. The request shall be in writing and shall include a certified copy of the final court order reversing the conviction, adjudication, or civil commitment; a certified copy of the dismissal; and any other information necessary to ascertain the validity of the request. The request shall clearly state that it is a request to expunge a record from the DNA database and the specific basis for the request.

A request to expunge the DNA record shall be addressed as follows:

Administrator
Iowa DCI Criminalistics Laboratory
2240 S. Ankeny Boulevard
Ankeny, Iowa 50023-9093

156.9(2) Action on expungement request.

a. The laboratory, upon receipt of a written request that validates reversal on appeal of a person's conviction, adjudication, or commitment, and subsequent dismissal of the case, or upon receipt of a written request by a person who voluntarily submitted a DNA sample pursuant to Iowa Code section 81.3(3)*"b,"* shall expunge all of the DNA records and identifiable information of the person in the database. The person or the person's representative shall be notified upon completion of such action.

b. If the division determines that the person is otherwise obligated to submit a DNA sample, the DNA record shall not be expunged.

c. If the division denies an expungement request, the division shall notify the person requesting the expungement of the decision not to expunge the DNA record and the reason supporting the decision. A person whose request to expunge a DNA record from the database is denied may appeal that decision to the commissioner within 30 days of the date of the letter communicating the denial. Appeals shall be treated as requests for contested case proceedings, and such proceedings shall be subject to the provisions of 7—Chapter 2504, except that such requests shall be addressed as follows:

Commissioner, Iowa Department of Public Safety
State Public Safety Headquarters Building
215 East 7th Street
Des Moines, Iowa 50319

156.9(3) A DNA record shall not be expunged pursuant to this rule if expungement or destruction of the DNA record would destroy evidence related to another person.

These rules are intended to implement Iowa Code chapter 81.

[Filed 6/12/26, effective 8/12/26]
[Published 7/8/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0415D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to statewide sobriety and drug monitoring program

The Public Safety Department hereby rescinds Chapter 159, "Statewide Sobriety and Drug Monitoring Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 901D (repealed) and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 901D (repealed) and Executive Order 10.

Purpose and Summary

The intended purpose of this chapter was to provide for the nature and manner of testing, including the procedures and apparatus used for testing; to establish a fee structure to pay for the costs of the program; to provide for the acceptance of public and private grants and donations to support the program; to establish a stakeholder group to review and recommend changes to the program; and to establish an application process for jurisdictions that want to participate in the program.

Iowa Code chapter 901D has since been repealed due to insufficient data to support the program's continuation. Since Iowa Code chapter 901D and the program no longer exist, the Department hereby rescinds Chapter 159 in its entirety.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0224D**. A public hearing was held on the following date(s):

- May 19, 2026
- May 20, 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 June 12, 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 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **661—Chapter 159**.

[Filed 6/12/26, effective 8/12/26]
[Published 7/8/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0416D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to retail sales of pseudoephedrine

The Public Safety Department hereby rescinds Chapter 174, "Retail Sales of Pseudoephedrine," Iowa Administrative Code, and adopts a new Chapter 174 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 124.212B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 124.212A and 124.212B.

Purpose and Summary

Pursuant to Executive Order 10, the Department rescinds Chapter 174 and adopts a new chapter in lieu of. The purpose of this chapter is to outline the use of electronic logbooks that track retail sales of pseudoephedrine as required by Iowa Code section 124.212A. This chapter also provides reporting requirements for assessment of civil penalties upon a retailer or employee of a retailer of products containing pseudoephedrine for a violation of Iowa Code section 126.23A or 124.212A.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0227D**. A public hearing was held on the following date(s):

- May 19, 2026
- May 20, 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 June 3, 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 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 174 and adopt the following **new** chapter in lieu thereof:

CHAPTER 174
RETAIL SALES OF PSEUDOEPHEDRINE

661—174.1(81GA,SF169) Electronic logbooks. A logbook of retail sales of products containing pseudoephedrine, as required in Iowa Code section 124.212A, may be recorded in any electronic format, provided that the retailer maintaining the logbook provides to any peace officer a printed copy of the information required to be maintained in the same manner as would be provided if the logbook were maintained on paper.

NOTE 1: Information required to be recorded in the logbook includes the legible signature of the purchaser and the printed name and address of the purchaser.

NOTE 2: This rule applies only to the content of the information provided to a peace officer from a logbook, not to the conditions or circumstances under which information from a logbook is provided to a peace officer.

661—174.2(81GA,SF169) Reporting of civil penalties. Pursuant to Iowa Code section 126.23B, within 30 days of the assessment of a civil penalty upon a retailer or employee of a retailer of products containing pseudoephedrine for a violation of the provisions of Iowa Code section 124.212A or 126.23A, the city or county that has enforced the civil penalty will report the following information to the department:

1. Name and address of the retailer.
2. Name and birth date of the employee, if the civil penalty was assessed against an employee. If the assessment was against more than one employee, the name and birth date of each employee subject to the assessment will be reported.
3. Date of the violation.
4. Description of the violation.
5. Amount of the civil penalty assessed.

These rules are intended to implement Iowa Code section 124.212B.

[Filed 6/12/26, effective 8/12/26]
[Published 7/8/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0417D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to admission rules

The Board of Regents hereby rescinds Chapter 1, "Admission Rules Common to the Three State Universities," Iowa Administrative Code, and adopts a new Chapter 1 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 262.9(3) and 262.9(17).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 262.

Purpose and Summary

Iowa Code chapter 262 requires the Board to adopt rules for admission to and for the Regent universities and for the classification of students enrolled for tuition and fee purposes. Chapter 1 sets forth admission requirements for undergraduate students at the Regent universities and requirements for classification of residents and nonresidents for admission, tuition and fee purposes.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0163D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 2026

No one attended the public hearings. No public comments were received.

Since publication of the Notice, 2026 Iowa Acts, House File 2539, was signed into law on April 30, 2026. The legislation repeals Iowa Code section 262.92, which requires the Board to establish college-bound programs. Therefore, rules related to college-bound programs have been removed from this rulemaking.

Adoption of Rulemaking

This rulemaking was adopted by the Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 681—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ADMISSION RULES COMMON TO THE THREE STATE UNIVERSITIES

681—1.1(262) Admission of undergraduate students directly from high school. Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

1.1(1) Application. Applicants must submit a formal application for admission, together with the appropriate application fee and have their secondary school provide a transcript of their academic record, including credits and grades, rank in class (when available), and certification of graduation. Applicants may also submit standardized test scores. Applicants whose primary language is not English must also meet the English language proficiency requirement specified by each university. Applicants may be required to submit additional information or data to support their applications.

1.1(2) Admission criteria.

a. A regent admission index (RAI) will be calculated for freshman applicants who submit all components used in the equation below. For purposes of calculating the RAI, the ACT composite score has a top value of 36 (SAT scores or other approved standardized tests will be converted to ACT composite equivalents), high school GPA is expressed on a four-point scale, and number of high school courses completed in the core subject areas is expressed in terms of years or fractions of years of study.

$$\text{RAI} = (3 \times \text{ACT composite score}) + (30 \times \text{high school grade point average}) + (5 \times \text{number of high school courses completed in the core subject areas})$$

b. Freshman applicants from Iowa high schools who have an RAI that meets a minimum set by the state board of regents and who meet the minimum requirements of the regent universities will qualify for automatic admission. Freshman applicants who have an RAI below the minimum set by the state board of regents or who do not have all components used in the RAI may also be admitted to a regent university; however, each regent university will review these applications on an individual basis.

1.1(3) Graduates of approved high schools in other states may be held to higher academic standards but must meet at least the same requirements as graduates of Iowa high schools.

1.1(4) Applicants who are graduates of nonapproved high schools will be considered for admission in a manner similar to applicants from approved high schools, but additional emphasis will be given to scores obtained on standardized examinations.

1.1(5) Applicants who are not high school graduates, but whose classes have graduated, may be considered for admission. These applicants will be required to submit all academic data to the extent that it exists and achieve scores on standardized examinations that will demonstrate that they are adequately prepared for academic study.

1.1(6) Early admission.

a. Students with superior academic records may be admitted, on an individual basis, for part-time university study while enrolled in high school or during the summers prior to high school graduation.

b. In rare situations, exceptional students may be admitted as full-time students to a regent university before completing high school. Early admission to a regent university is provided to serve persons whose academic achievement and personal and intellectual maturity clearly suggest readiness for collegiate-level study. Each university will specify requirements and conditions for early admission.

This rule is intended to implement Iowa Code section 262.9(3).

681—1.2(262) Admission of undergraduate students by transfer from other colleges. Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

Applicants must submit a formal application for admission, together with the appropriate application fee, and request that each college they have attended send an official transcript of record to the admissions office. High school academic records and standardized test results may also be required. The Test of English as a Foreign Language (TOEFL), or equivalent English proficiency examination as determined by each institution, is required of foreign students whose first language is not English.

1.2(1) Transfer applicants who have earned a minimum of 24 semester hours of graded credit from colleges or universities accredited by an entity recognized by the U.S. Department of Education, attended another college or university after graduating from high school, and achieved for all college work previously attempted the grade point required by each university for specific programs will be admitted. Higher academic standards may be required of students who are not residents of Iowa.

Applicants who have not maintained the grade point required by each university for specific programs or who are under academic suspension from the last college attended may, after a review of their academic and test records and at the discretion of the admissions officers:

a. Be admitted unconditionally,

b. Be admitted conditionally,

c. Be denied admission.

1.2(2) Admission of students with fewer than 24 semester hours of college credit will be based on high school academic records in addition to review of the college record.

1.2(3) Transfer applicants under disciplinary suspension will not be considered for admission until information concerning the reason for the suspension has been received from the college assigning the suspension. Applicants granted admission under these circumstances will be admitted on probation.

1.2(4) Transfer applicants from colleges and universities not accredited by an entity recognized by the U.S. Department of Education will be considered for admission on an individual basis taking into account all available academic information.

This rule is intended to implement Iowa Code section 262.9(3).

681—1.3(262) Transfer credit practices. The acceptance and use of transfer credit is subject to limitations in accordance with the educational policies operative at each university.

1.3(1) *Students from colleges and universities accredited by an entity recognized by the U.S. Department of Education.* Credit earned at colleges and universities accredited by an entity recognized by the U.S. Department of Education is acceptable for transfer except that credit in courses determined by the receiving university to be of a remedial, vocational, or technical nature or credit in courses or

programs in which the institution granting the credit is not directly involved may not be accepted or may be accepted to a limited extent.

Of the coursework earned at a two-year college, students may apply up to one-half but no more than 65 hours of the credits required for a bachelor's degree toward that degree at a regent university except as otherwise agreed to in an articulation agreement.

1.3(2) *Students from colleges and universities that have candidate status.* Credit earned at colleges and universities that have become candidates for accreditation by an entity recognized by the U.S. Department of Education is acceptable for transfer in a manner similar to that from colleges and universities accredited by an entity recognized by the U.S. Department of Education if the credit is applicable to the bachelor's degree at the receiving university.

Credit earned at the junior and senior classification from an accredited two-year college that has received approval by an entity recognized by the U.S. Department of Education for change to a four-year college may be accepted by a regent university.

1.3(3) *Students from colleges and universities not accredited by an entity recognized by the U.S. Department of Education.* When students are admitted from colleges and universities not accredited by an entity recognized by the U.S. Department of Education, they may validate portions or all of their transfer credit. Each university will specify the amount of the transfer credit and the terms of the validation process at the time of admission.

1.3(4) *Students from colleges and universities outside the U.S.* Transfer credit from educational institutions outside the U.S. may be granted after a determination of the type of institution involved and after an evaluation of the content, level, and comparability of the study to courses and programs at the receiving university. Credit may be granted in specific courses but is frequently assigned to general areas of study.

This rule is intended to implement Iowa Code section 262.9(3).

681—1.4(262) Classification of residents and nonresidents for admission, tuition, and fee purposes.

1.4(1) *General.*

a. A person enrolling at one of the three state universities shall be classified as a resident or nonresident for admission, tuition, and fee purposes by the registrar or someone designated by the registrar. The decision shall be based upon information furnished by the student and other relevant information.

b. In determining resident or nonresident classification, the issue is essentially one of why the person is in the state of Iowa. If the person is in the state primarily for educational purposes, that person will be considered a nonresident. An individual could qualify as a resident of Iowa for such purposes as voting, holding an Iowa driver's license, or Iowa community college residency, and not meet the residency requirements as established by the state board of regents for admission, tuition, and fee purposes.

c. The registrar, or designated person, is authorized to require evidence deemed necessary to determine why a student is in Iowa. The burden of establishing that a student is in Iowa for other than educational purposes is upon the student.

d. Applications for resident classification for a given semester or session are due no later than the fifteenth class day of that semester or session. Applications received after the fifteenth class day of that semester or session will be considered for the next semester or session. Appeals of any nonresident classification decision resulting from applications for resident classifications are due within ten business days of the decision. Change of classification from nonresident to resident will not be made retroactive beyond the term in which application for resident classification is made.

e. A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to disciplinary action and must also pay the nonresident fees for each term previously attended.

f. Review committee. These regulations shall be administered by the registrar or someone designated by the registrar. The decision of the registrar or designated person may be appealed to a

university review committee. The decision of the review committee may be appealed to the state board of regents.

1.4(2) *Guidelines.*

a. The following general guidelines are used in determining the resident classification of a student for admission, tuition, and fee purposes:

(1) A financially dependent student whose parents move from Iowa after the student is enrolled remains a resident provided the student maintains continuous enrollment. A financially dependent student whose parents move from Iowa during the senior year of high school will be considered a resident provided the student has not established domicile in another state.

(2) In deciding why a person is in the state of Iowa, the person's domicile will be considered. A person's domicile is presumed to be that of the parent(s) or legal guardian unless the person is independent and establishes a separate domicile. A person who comes to Iowa from another state and enrolls in any institution of postsecondary education for a full program or substantially a full program shall be presumed to have come to Iowa primarily for educational reasons rather than to establish a domicile in Iowa.

(3) A student who was a former resident of Iowa may continue to be considered a resident provided absence from the state was for a period of less than 12 months and provided domicile is reestablished.

A person or the dependent of a person whose domicile is established in Iowa, who has been classified as a resident for admission, tuition, and fee purposes, may continue to be classified as a resident so long as domicile is maintained, even though circumstances may require extended absence of the person from the state. It is required that a person who claims Iowa domicile while living in another state or country will provide proof of the continual Iowa domicile.

(4) A student who moves to Iowa may be eligible for resident classification at the next registration following 12 consecutive months in the state provided the student is not enrolled as more than a half-time student (six credits for an undergraduate or professional student, five credits for a graduate student) in any academic year term at any postsecondary institution, is not enrolled for more than four credits in a summer or winter term at any postsecondary institution for any classification, and provides sufficient evidence of the establishment of an Iowa domicile.

(5) A student who has been a continuous student and whose parents move to Iowa may become a resident at the beginning of the next term provided the student is dependent upon the parents for a majority of financial assistance.

(6) A person who has been certified as a refugee or granted asylum by the appropriate agency of the United States who enrolls as a student at a university governed by the state board of regents may be accorded immediate resident status for admission, tuition, and fee purposes when the person:

1. Comes directly to the state of Iowa from a refugee facility or port of debarkation, or
2. Comes to the state of Iowa within a reasonable time and has not established domicile in another state.

Any refugee or individual granted asylum not meeting these standards will be presumed to be a nonresident for admission, tuition, and fee purposes and thus subject to the usual method of establishment of Iowa residency.

(7) An individual who has immigrant status establishes Iowa residency in the same manner as a United States citizen.

(8) At the regent universities, American Indians who have origins in any of the original people of North America and who maintain a cultural identification through tribal affiliation or community recognition with one or more of the tribes or nations connected historically with the present state of Iowa, including the Chickasaw, Iowa, Kickapoo, Menominee, Miami, Missouri, Ojibwa (Chippewa), Omaha, Oneida (Narragansett), Otoe (Otto), Ottawa (Odawa), Potawatomi, Sac and Fox (Sauk, Meskwaki), Sioux, and Winnebago (HoCak, Ho Chunk), will be assessed Iowa resident tuition and fees.

(9) Individuals who have received a homeless youth determination may be classified as residents for tuition and fee purposes.

b. Additional guidelines are used in determining the resident classification of a veteran, a qualified military person, or other qualified individuals for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees:

(1) A person who is stationed on active duty at the Rock Island arsenal as a result of military orders, or the child or spouse or domestic partner of such person, is entitled to resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees. The child or spouse or domestic partner may be required to submit appropriate documentation to the university.

(2) Iowa National Guard and U.S. Armed Services reserve component service members assigned to a unit physically located in Iowa who have completed their initial entry training requirements or have served for one year are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees.

(3) Iowa National Guard and U.S. Armed Services reserve component service members attached for a duration of greater than one year to a unit physically located in Iowa are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees upon proof that the attachment requires moving to a permanent residence within the state of Iowa.

(4) Honorably discharged veterans who have served an aggregate of 90 days or more on Title 10 orders, other than for training, are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees. All other discharges will be reviewed on a case-by-case basis.

(5) Retired members of the Iowa National Guard who are not Iowa residents are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees.

(6) Active duty, Title 10, service members and their dependents, including domestic partner, are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees.

(7) The rules for classification of veterans and qualified individuals shall be in full compliance with all federal laws, including Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Choice Act). The qualified individual may be required to submit appropriate documentation to the university.

(8) A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the child or spouse or domestic partner of such a person, is entitled to resident status. The child or spouse or domestic partner may be required to submit appropriate documentation to the university. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.

This rule is intended to implement Iowa Code section 262.9(3).

681—1.5(262) Application fees. Mandatory application fees for admission to the University of Iowa, Iowa State University and the University of Northern Iowa shall be approved by the state board of regents and shall be based on reasonable costs anticipated to be incurred by the institution in processing the application unless otherwise approved by the state board of regents.

This rule is intended to implement Iowa Code section 262.9(3).

[Filed 6/10/26, effective 8/12/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0418D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to merit system rules

The Board of Regents hereby rescinds Chapter 3, "Regents Human Resources Management—Merit System Rules," Iowa Administrative Code, and adopts a new Chapter 3 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 8A.412(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 8A.

Purpose and Summary

Iowa Code chapter 8A requires the Board to adopt rules governing the general terms and conditions of employment for merit employees. The Board's merit rules establish a structured system for managing employee rights and responsibilities in all aspects of the employment relationship, including hiring, promotion, compensation and discipline.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0162D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 681—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
REGENTS HUMAN RESOURCES MANAGEMENT—MERIT SYSTEM RULES

ORGANIZATION AND ADMINISTRATION

681—3.1(8A) Covered employees. All merit employees of the board will be covered under the rules of this system in accordance with Iowa Code section 8A.412(5).

681—3.2(8A) Administration.

3.2(1) Under the authority of the board and the supervision of its executive director, a merit system director will be appointed who will be responsible for the development, operation and evaluation of the system in compliance with the objectives and intent of certain provisions, related to merit staff employment and board policies and rules. At each board institution, the chief executive will designate an administrator to serve as resident director. The resident director will be responsible, through the chief executive at the institution, for human resources administration in accordance with these rules. The merit system director shall review the operation of the merit system at each of the institutions and will be responsible for the direction of the merit system and have the authority to ensure the administration of the merit system is consistent with the provision of these rules.

3.2(2) The resident directors keep detailed records on each employee. They will also maintain records on operations conducted under these rules and report summaries to the merit system director as requested. Additionally, they will prepare other reports to ensure compliance with regents, state and federal standards. In collaboration with employing departments, the resident director will establish a program that will provide for the regular evaluations, at least annually, of the performance of all employees consistent with board and institutional policies.

DEFINITIONS

681—3.3(8A) Definitions.

"Active service" is a period of ongoing employment performing the duties of the position.

"Advanced starting rate" is a rate within the pay grade that is greater than the minimum rate of the pay grade for a specific classification as provided for in the approved pay plan.

"Base pay" means the employee's rate of pay exclusive of any supplemental pay, such as lead worker pay, pay for differentials, pay for special assignment, on-call pay, call back pay, or any other incentive premium pay.

"Board" means state board of regents.

"Certification" means the referral of qualified applicants from an eligibility register to a department for the purpose of making a selection in accordance with these rules.

"Classification" refers to one or more positions that have similar duties and responsibilities. These positions in the group can be given the same job title and require the same minimum qualifications as to education and experience. The same schedule of pay can be applied with equity to all positions in the classification under substantially the same employment conditions.

"Classification appeal" is the act of contesting the classification or reclassification of a position as determined by the merit system director after a review of the duties and responsibilities of the position.

"Classification review" is the process initiated by a permanent employee or department designee requesting review of the classification of the employee's position.

"Classify" means to assign an appropriate classification based on the duties and responsibilities assigned to the position.

"Days" means calendar days unless designated otherwise.

"Demotion" means a change of an employee from a position in one classification to a position in another classification having a lower pay grade. Demotion may be voluntary, involuntary, or result from a reclassification of a position.

"Department" or *"employing department"* is a unit or division within a regents institution defined locally by each institution.

"Designee" is an individual who has been selected to act on behalf of a designated authority.

"Grievance" is a dispute or complaint concerning the interpretation or application of merit system or institutional rules governing terms of employment and working conditions.

"Lateral transfer" means a change from a position in one classification to a different position in the same classification or to another classification in the same pay grade.

"Maximum rate" is the final value of the pay grade to which a classification is assigned. A "red-circled" rate is above the maximum.

"Merit increase" is the increment within the pay grade, as established by the board, by which an employee's pay will be raised at specified times during employment, subject to a satisfactory level of performance.

"Merit system director" is the person appointed by the executive director of the board to administer the merit system rules on behalf of the board.

"Minimum rate" is the minimum value of the pay grade to which a classification is assigned. It is less than an "advanced starting rate."

"Pay grade" or *"grade"* is the numerical designation on the pay schedule to which individual classifications are assigned.

"Permanent employee" is an employee who has completed the initial probationary period and thereby acquired permanent status in accordance with the rules of the system.

"Position" means a group of specific duties, tasks and responsibilities assigned to be performed by one employee. A position may be 12 months or less, full-time or part-time, temporary or permanent, or occupied or vacant.

"Premium pay" means a sum of money paid for specific work in addition to the salary or hourly rate.

"Probationary period" is a six-month period to determine an employee's fitness for the position. A probationary period is required for an original appointment or reemployment to a classification not previously held, a promotion, a voluntary demotion out of series or a lateral transfer out of classification. Employees hired on term appointments, as described in rule 681—3.16(8A), are also subject to a probationary period.

"Promotion" means a change in status of a permanent classified employee from a position in a classification to another position in a classification having a higher pay grade.

"Recall" is the reappointment of an employee who was terminated as a result of (1) layoff or voluntary demotion in lieu of layoff, or (2) medically related disability leave and exhaustion of vacation and medically related disability leave credits, or (3) failure to pass a subsequent probationary period on a promotion, lateral transfer out of classification, or demotion out of series. "Reemployment" may be used in place of "recall."

"Reclassify" means to make a change in the classification of a position to a higher, lower, or same pay grade based on an assessment of the tasks, duties, and responsibilities of the position or because of an amendment to the assigned pay grade in the classification plan.

"Reduction in force" is a permanent layoff or an involuntary reduction in time resulting from a shortage of funds or work, a material change in duties, or an organization or abolishment of one or more positions.

"Reinstatement" refers to the appointment of merit staff who previously exited in good standing.

"Resident director" is the person appointed by the chief executive of each regents institution to administer the merit system rules at that institution. The resident director may appoint designees authorized to administer the merit system rules.

"Suspension" is an enforced leave of absence with or without pay for purposes of conducting an investigation or as a disciplinary measure.

"Trainee" or *"apprentice"* is an employee participating in a specified training program during a fixed period of time in order to meet the minimum qualifications required for a classification.

CLASSIFICATION

681—3.4(8A) Preparation and maintenance of the classification plan. The merit system director, in consultation with the resident directors and subject to the approval of the board, shall develop and maintain a classification plan. This plan will ensure that all positions with similar duties, responsibilities, and levels of difficulty are included in the same class. Each class will have the same minimum qualifications and an equitable pay schedule (except for geographical differences). The plan will include a class title; job definition; descriptions of the work performed; required knowledge, skills, and abilities; and the minimum qualifications for each class.

681—3.5(8A) Administration of the classification plan. The merit system director will direct the uniform administration of the classification plan. Resident directors may recommend new classifications and changes to existing classifications. Employing departments and employees may appeal classification and reclassification in accordance with rule 681—3.24(8A).

The merit system director, in consultation with the resident directors and subject to the approval of the board, may establish new classifications and change or abolish existing classifications that affect the merit system pay plan to meet the needs of the institutions and to properly reflect changes in work. When the changes do not affect the pay plan of the merit system, the merit system director may, in consultation with the resident directors, change existing classifications and report such changes annually to the board. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided the incumbent meets the minimum qualifications or provided the duties have not changed appreciably. If the incumbent is not eligible to continue, the incumbent may be transferred, promoted, demoted, or laid off in accordance with the rules. Changes in classification will not be used to avoid other provisions of these rules relating to layoffs, promotions, demotions, and dismissal.

COMPENSATION PLAN

681—3.6(8A) Preparation, content and adoption of the pay plan. The board will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of numbered grades with minimums and maximums for each grade. The plan is intended to reflect the relative difficulty and responsibility of the work involved in the various classes. This relative difficulty and responsibility of work, in addition to market data that is pertinent to the labor market, will be utilized to assign classifications to pay grades. Market data sources and their application will be approved and administered under the direction of the merit system director. The plan will be uniformly applicable to all regents institutions, except for variances approved on the basis of geographical differences.

681—3.7(8A) Review and revision of the pay plan. At least once each year, the complete pay plan will be reviewed for revision by the board in the same manner and following the same procedure stated in rule 681—3.6(8A). At any time, new classes may be established and other revisions may be made in the plan to reflect proper relationships and to facilitate recruitment and retention. Such changes will be effective after approval by the board and other authority as required by law.

681—3.8(8A) Administration of the pay plan. Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under the direction of the merit system director for all classifications in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid between the minimum and maximum of the pay grade to which the employee's classification is assigned. Any employee who is approved for participation in a phased retirement program as provided for by state law and regent policy shall have the salary provided under these rules

adjusted as specified by such law and regent policy. In instances where more than one rule for pay is applicable, the resident director may apply the rule that is most appropriate for the situation.

3.8(1) *Entrance salaries.* The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that classification is assigned or in accordance with the approved pay plan, except as provided for the following.

a. Appointment based on a scarcity of qualified applicants. At the request of a resident director and based on economic or employment conditions that make it difficult to recruit at the minimum rate of the pay grade to which a classification of position is assigned, the merit system director may authorize an advanced starting rate. Where such a higher entrance rate is authorized, all employees in the same classification and in the same geographical area, who are earning less than the higher entrance rate, will be increased to that higher rate.

b. Appointment based on exceptional qualifications. An employee whose qualifications substantially exceed the minimum required for the classification or who possess outstanding experience relative to the demands of the position may, at the request of an employing department and upon approval by the resident director, be appointed at a rate higher than the minimum. At the request of the employing department, or at the discretion of the resident director, salaries of similarly qualified employees in the same classification with similar qualifications at the same institution may be adjusted. These appointments along with any salary adjustments made to other employees must be reported to the merit system director.

c. Appointments based on prior service at the institution. An employee who was previously employed by an appointing institution in a nonmerit system position and who performed duties of a similar character and responsibility as the merit classification to which the employee is being appointed may be paid at a rate higher than the minimum, reflecting prior service in a comparable position. Such appointments must be approved by the resident director and reported to the merit system director.

d. Appointments from mergers and acquisitions. An employee who is appointed at a university due to a merger or acquisition should be paid consistent with current pay practices. If the salary of an employee exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. The resident director may request an extension to the merit system director due to special circumstances for a designated period of time.

3.8(2) *Merit increases.* An employee with satisfactory performance shall be eligible to receive a merit increase upon completion of the employee's increased eligibility period. The eligibility period shall be 12 months from the merit review date. Merit review date practices shall be established by the resident director at each institution. The resident director may allow for a merit review date at six months from the date of hire for an employee who is appointed and paid at the minimum rate for the employee's assigned pay grade. Failure to conduct a performance review shall result in the employee being deemed to have performed satisfactorily during this period. No merit increase will be granted above the maximum of the pay grade. Merit increases may be denied or deferred by the employing department based on work performance. An employee whose merit increases are denied or deferred may request additional information from the department regarding the rationale.

3.8(3) *Pay on promotion.* An employee who is promoted will be moved to the minimum rate of the new grade or to an equal or higher rate in the new grade that is no greater than 5 percent higher than the employee's current base pay without approval of the merit system director. In no event will the adjustment result in pay above the maximum of the new grade.

If the promotion involves movement to a new grade that is three or more grades higher than the employee's present grade, the resident director may approve, on written request from the employing department, an increase to the employee's present base pay of no greater than 10 percent without the approval of the merit system director.

When calculating the promotional increase, any extra pay such as shift differential pay, pay for special assignment, pay for lead worker status, on-call pay, pay for overtime, or pay for call back shall be excluded as part of the employee's present base pay. Pay on promotion in accordance with the provisions

of paragraph 3.8(1)*"b"* may be authorized by a resident director and will be reported to the merit system director.

3.8(4) *Pay on demotion.* Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any rate within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted, except as provided in paragraph 3.8(1)*"b."*

If the salary of an employee who is demoted as the result of the reclassification of the employee's position exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. The resident director may request an extension to the merit system director due to special circumstances for a designated period of time.

3.8(5) *Pay on reinstatement, recall or return from leave.*

a. An employee who is reinstated will be paid at a rate no greater than what the employee was last paid, plus any across-the-board increases that would have occurred during the time of nonemployment, and between the minimum and maximum of the pay grade.

b. An employee who is recalled to the previously occupied class will be paid at a rate no greater than what the employee was last paid, plus any across-the-board increases that would have occurred during the time of nonemployment, and between the minimum and maximum of the pay grade. Reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion.

c. An employee who is reappointed to the previously occupied position or a position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on recall as provided above.

3.8(6) *Pay for special assignment.* Provided an employee is granted special assignment in accordance with subrule 3.19(2), the employee will be paid for the duration of such assignment consistent with:

a. Subrule 3.8(3), pay on promotion, if assigned to a classification having a higher pay grade;

b. Subrule 3.8(7), pay on lateral transfer, if assigned to a classification having the same pay grade;

c. The present base pay if assigned to a classification having a lower pay grade.

3.8(7) *Pay on lateral transfer.*

a. An employee who is transferred from one position to another position in the same classification shall receive no adjustment in base pay except as provided in paragraph 3.8(1)*"b"*;

b. An employee who is transferred from one position to another position in a different classification but in the same pay grade shall receive no adjustment in base pay, except as provided in paragraph 3.8(1)*"b"* or as set forth in paragraph 3.8(7)*"c"*;

c. An employee who is transferred from one classification with a lower or no advanced starting rate to a classification with a higher advanced starting rate shall receive:

(1) An adjustment to the higher advanced starting rate if the base pay prior to lateral transfer is less than the higher advanced starting rate; or

(2) No adjustment in base pay if the employee's base pay prior to lateral transfer is not less than the higher advanced starting rate.

d. In no case may an employee be paid below the minimum or above the maximum for a classification.

3.8(8) *Pay upon change in pay grade of class.* If the class is revised and reassigned to a higher pay grade, subrule 3.8(3), pay on promotion, will apply.

If the class is revised and reassigned to a lower pay grade, subrule 3.8(4), pay on demotion, will apply.

3.8(9) *Pay for part-time employment.* Pay for part-time employment will be proportionately equivalent to the rate for full-time employment.

3.8(10) *Pay for exceptional performance.* An employee may be given pay for exceptional performance, not to exceed 10 percent of an employee's current annual salary, at the written request of the employee's department head with appropriate administrative approval and the prior approval of

the resident director. The request will describe the nature of the exceptional job performance for which additional pay is requested, indicate the amount proposed, and specify the source of funds. The award may be based on sustained superior performance or an exceptional achievement or contribution during the period since the employee's last performance review. To qualify for an exceptional performance award, an employee must have a cumulative performance evaluation exceeding standards and have no individual rating below satisfactory. Payment will be made as a lump sum award and will not change the employee's established base pay. An employee will be eligible to receive multiple rewards per fiscal year but not to cumulatively exceed 10 percent of the employee's current annual salary.

3.8(11) *Pay for call back.* An employee who is called back to the work site after completing the employee's regular work schedule will be paid for a minimum period of three hours, regardless of the time worked. An employee who is called back and works in excess of three hours will be paid the actual time worked.

3.8(12) *Pay for lead worker status.* On request of an employing department and with approval of the resident director, an employee who is assigned and performs limited supervisory duties (such as distributing work assignments, maintaining a balanced workload within a group, and keeping attendance and work records) in addition to regular duties may be designated as lead worker in the classification assigned and paid during the period of such designation the employee's base salary plus a percentage of the employee's base pay no greater than 5 percent without the approval of the merit system director.

3.8(13) *Pay for trainees and apprentices.* The schedule of wages for trainees and apprentices will be set at the minimum of the entrance rate of the journey classification and decreased by 3 percent for every year of the program. Each employee whose performance is satisfactory as determined by the employing department will progress by half of the annual increase every six months from the established minimum of the schedule to the entrance rate established for the journey classification at the completion of time established for training or apprenticeship.

3.8(14) *Discretionary pay increases for permanent employees.* A permanent employee paid within the designated pay grade may be eligible for a discretionary increase to the employee's present base pay as a result of a market analysis, equity analysis, employment offer or other employment situation. In no circumstance will the adjustment result in pay above the maximum of the pay grade. A resident director shall present the rationale for a discretionary pay increase to the merit system director for approval.

3.8(15) *Payment of a shift differential.* All employees will be paid a differential for any shift of which four or more hours occur between 6 p.m. and midnight and a shift differential for any shift of which four or more hours occur between midnight and 6 a.m. The amount of the shift differential paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(16) *Pay for time on-call.* At the request of the employer, an employee who is off duty and free to engage in the employee's own pursuits shall be considered on-call provided that the employee leaves word with the employer where to be reached if needed and the employee is able to report ready for work within a specified time after being contacted by the employer. The rate for on-call pay shall be determined by the merit system director.

3.8(17) *Pay on reclassification of position.* If a position is reclassified, the incumbent's pay will be set in accordance with the rules governing pay on demotion, transfer, or promotion, whichever is applicable.

3.8(18) *Recruitment or retention payments.* A payment to a job applicant or an employee may be made for recruitment or retention reasons. The resident director shall first submit a written explanation to the merit system director prior to any payment being made.

As a condition of receiving recruitment or retention pay, the recipient may be required to sign an agreement to continue employment with the employing department to be commensurate with the amount of the payment. If the recipient is terminated for cause or voluntarily leaves state employment, the recipient may be required to repay the employing department for the proportionate amount of the payment for the time remaining and it will be recouped from the final paycheck. When the recipient changes employment to another state agency, a repayment schedule must be approved by the employing

department and the state agency. Recoupment will be coordinated between the state agency and the institution to ensure the proper reporting of taxes.

3.8(19) *Emergency payments.* When a state of emergency has been declared to exist at an institution, an employee may be given emergency pay at the written request of the employee's department head with appropriate administrative approval and the prior approval of the merit system director and resident director. The request will describe the nature of the state of emergency, the services provided by the employee in support of the management of or response to the state of emergency, the amount proposed, and the source of funds. Payment will be made as a lump sum award and will not change the employee's established salary rate.

3.8(20) *Payment of a weekend differential.* At the request of the resident director and with approval from the merit system director, an employee may be paid a weekend differential for any shift of which four or more hours occur between Saturday at 12 midnight and Sunday at 11:59 p.m. The amount of the weekend differential paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(21) *Weekend option premium pay.* When an employee works the weekend as the employee's primary schedule, the institution may request premium pay that is part of the employee's hourly rate. The amount of the premium pay shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(22) *Payment for working additional shifts.* At the request of the resident director and with approval from the merit system director, when an employee works four or more unscheduled hours at the request of the employer, the employee may be paid an extra shift hourly premium. The amount of the premium paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(23) *Lump sum payments.* At the approval of the resident director, an employee may receive a lump sum payment that does not impact base salary. These payments can be part of the annual salary review process or another designated time. These payments are allowed once per fiscal year and are separate from any other pay practices in the merit rules.

APPLICATION AND EVALUATION

681—3.9(8A) Applications. Applications for employment will contain no question so formed as to elicit any information prohibited by state or federal statutes, and the truth of statements made on the application will be certified by the applicant. Public announcement of vacancies will be made for ten calendar days. A record of applications for employment will be kept at the institution in their recruitment and hiring system of record for a period of time to be designated by the resident director and pursuant to the institution record retention policies. Each institution may post recruitment announcements for application by employees of that institution only.

681—3.10(8A) Applicant evaluations. Evaluations will be practical in nature, will be constructed to reveal the capacity to successfully perform the job for which the applicant is competing, will be rated objectively, and will be pursuant to federal or state law.

681—3.11(8A) Nature of evaluations. Applicant evaluations may screen for such factors as education, experience, aptitude, knowledge, character, physical fitness, or other qualifications or attributes that enter into the determination of the relative qualification of applicants. The evaluation process must align with federal or state laws and must be approved by each institution's resident director.

681—3.12(8A) Qualifications. Applicants must meet the qualifications for the classification as indicated in the board classification description, as well as any special qualifications associated with a particular position, which are approved by the resident director. Those applicants who meet the required qualifications shall be eligible for further consideration for hire, transfer or promotion in the position.

APPOINTMENTS AND PROBATION

681—3.13(8A) Appointments. All appointments under this system will be made in accordance with all federal and state laws and the provisions of these rules, including those concerning certification and selection unless otherwise specified.

681—3.14(8A) Temporary appointments. Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Appointments may be made without reference to the provision of these rules regarding minimum qualifications, certification, and selection. Employees appointed on this basis will not work more than 1,040 hours in any fiscal year.

681—3.15(8A) Trainee or apprentice appointment. With the approval of the resident director, an institution may advertise a position for a classification designated for trainees or apprentices. When so designated, applicants do not need to meet the minimum qualifications of the classification for permanent appointment. The purpose of the program is to develop the trainee or apprentice to obtain the necessary knowledge, skills, and abilities to perform the work and to meet the minimum qualifications for the classification. At the conclusion of the designated training period or apprenticeship program, the employee must be able to satisfactorily perform the duties and meet the minimum qualifications to move into the regular classification.

681—3.16(8A) Term appointment. When it is known that a particular job, project, grant or contract will require the services of an employee for a limited duration or where funding must be renewed periodically, a term appointment may be made. The initial appointment will not be made for more than two years. Renewals beyond two years may be approved by the resident director on the basis of funding availability or institutional limits on term appointments.

Employees on a term appointment are subject to a probationary period. An employee on term appointment subsequently hired as a regular employee in the same classification is not required to complete an additional probationary period.

Such appointments will not confer to the individual any right of position, transfer, demotion, promotion, or recall, but incumbents shall be eligible for vacation and sick leave, except that a term appointment made for less than 1,040 hours will be considered a temporary appointment under rule 681—3.14(8A) without conferring rights or eligibility for vacation or sick leave.

681—3.17(8A) Permanent appointments. An applicant who is appointed with the approval of the hiring authority designated by each individual institution to a permanent position and who successfully completes a probationary period in accordance with these rules will have permanent status.

681—3.18(8A) Probationary period.

3.18(1) *Purpose.* The probationary period will be an important part of the examination and selection process, and will be used by the employing department to closely observe and evaluate an employee's work, to train and aid the employee in adjustment to the employee's position and to reject and dismiss any employee whose performance fails to meet standards.

3.18(2) *Duration of probation.* An employee on original appointment or who is reinstated or reemployed to a class not previously held will be on probation until the person completes six months of active service in the position to which the employee is appointed. This will be extended by the same number of days for leaves of absence of more than 30 days. If a probationary employee is not dismissed during this time, the person will, at the conclusion of the probationary period, have permanent status in that class. A period of temporary employment immediately preceding a permanent appointment to the same class may, at the request of the employing department, be counted as probationary service.

A permanent employee who is promoted from one class to another, who transfers out of classification, or who demotes out of classification series will serve a period of probation of six months

in the position to which the employee is appointed. If the employee is not dismissed during this time, the employee will, at the conclusion of the probationary period, have permanent status in the class.

3.18(3) *Dismissal during promotional probation.* An employee who is promoted from one classification to another, who transfers out of classification, or who demotes out of classification series and is dismissed during the employee's probationary period may be placed on the recall list for a previously held classification if, in the judgment of the resident director, the employee may be able to perform satisfactorily in another position.

TRANSFERS, DEMOTIONS AND TERMINATIONS

681—3.19(8A) Transfers.

3.19(1) *Reassignments.* An employee, with the approval of the resident director, may be reassigned at any time from one position to another in the same class within an institution, except that a probationary employee who is certified to fill the employee's position on the basis of special qualifications will not be reassigned unless the new position requires the same special qualifications that justified the original certification.

3.19(2) *Special assignment.* When the services of an employee are temporarily needed in a position in the same or a different class within the institution other than the position to which the employee is assigned, the employee may be given a special assignment, with the prior approval of the resident director and involved departments, to perform the duties of such position for a period not to exceed six months without a change in title or status. In unusual circumstances, an extension of a special assignment for no more than one additional six-month period may be approved by the merit system director on written request from the resident director. Employees will be paid for a special assignment in accordance with subrule 3.8(6).

681—3.20(8A) Demotion (voluntary). If an employee wishes to be demoted to a lower classification, the resident director may, upon written request from the employee and with the approval of involved departments, effect such a demotion provided the employee is certified by the resident director as meeting the qualifications required for the lower classification. Voluntary demotion will not be subject to appeal.

681—3.21(8A) Terminations.

3.21(1) *Reduction in force.*

a. Reduction in force will be accomplished in a systematic manner in accordance with these rules; however, the layoff provisions established in this subrule shall not apply to:

(1) Temporary layoffs of less than 25 workdays or 200 hours of work per calendar year;

(2) Interruptions in the employment of school term employees during breaks in the academic year, during the summer, or during other seasonal interruptions that are a condition of employment, with the prior approval of the resident director;

(3) The promotion or reclassification of an employee to a classification in the same or a higher pay grade;

(4) The reclassification of an employee's position to a classification in a lower pay grade that results from the correction of a classification error, the implementation of a classification or series revision, changes in the duties of the position, or a reorganization that does not result in fewer total positions in the unit that is reorganized;

(5) A change in the classification of an employee's position or the appointment of an employee to a classification in a lower pay grade resulting from a demotion; and

(6) The transfer or reassignment of an employee to another position in the same classification or to a classification in the same pay grade.

b. An individual whose position is eliminated or reduced in hours may be reassigned to a vacant position in the same classification and institution provided the individual possesses any required special qualifications for the position. If there is no vacant position to which the individual can be reassigned, the individual may accept layoff with recall priority as provided in paragraph 3.21(1)*"n."* If the

individual directly affected does not accept layoff, the reduction in force procedures in this subrule shall be implemented.

c. Reduction in force will be made by classification.

d. Reduction in force may be made by organizational unit within an institution or institutionwide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.

e. The order of reduction in force will be by type of appointment as follows: temporary, trainee, initial probationary, permanent.

f. Each permanent employee affected by a reduction in force will be notified in writing of the layoff and the reasons for it at least 28 days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.

g. There will be competition among all employees in the classification affected by the layoff based on a retention points system of all employees in the classification within the organizational unit or units affected. Retention points will be calculated as follows:

(1) Length of service credit will be allowed at the rate of one point for each month of service in a permanent position, whether full- or part-time. Any period of 15 calendar days of service (including any legally protected leave, paid or unpaid) in a month will be considered a full month. For the purpose of computing length of service credits, the institution will include all periods of regular merit employment during periods of continuous regular appointments with the institution between the date of the original appointment and the date of the layoff or as provided otherwise by law. Periods of leave without pay exceeding 30 days will not be counted unless protected by federal or state law.

(2) Performance evaluation deduction will be allowed at the rate of one point for each month of unsatisfactory service. No length of service credit will be allowed for service rated less than satisfactory. If there is no record of performance evaluation for a specific time period, it shall be presumed that the employee's performance is satisfactory.

(3) Reduction in force retention points will be the total of length of service, less any deduction for unsatisfactory performance.

h. Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at the top. Layoffs will be made from the list in reverse order unless the employee with the least retention points has special skills and abilities required to perform in the position currently occupied. An employee with greater retention points who must vacate the employee's position must possess the special skills and abilities required for that position and meet any job-related selective certification required for that position. Copies of the computation of retention points will be made available to affected employees. One copy will be retained by the resident director and one copy will be forwarded to the merit system director at least ten days prior to the effective date of the layoff.

i. When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee with the longest time in the classification.

j. The reduction in force plan approved by the merit system director will be made available by the resident director so that employees directly impacted will have access to it.

k. An affected employee may appeal a reduction in force by filing, within seven days after notification as provided in paragraph 3.21(1)*"f,"* a written grievance with the resident director (at Step 3 of the grievance procedure provided in rule 681—3.25(8A) or at a comparable step of a procedure approved under subrule 3.25(1)). If not satisfied with the decision rendered at that step, the employee may pursue an appeal in accordance with the grievance procedure.

l. A supervisory employee, defined as a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend such action, may not replace or bump a junior employee not being laid off. For purposes of this subrule, "junior employee" means an employee with fewer retention points than a supervisory employee.

m. A permanent employee in a nonsupervisory classification in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower nonsupervisory classification in the same series utilized at the institution or, in the absence of a lower nonsupervisory classification in the same series, to a nonsupervisory classification that the employee has formerly occupied while in the continuous employment of the institution. The employee must possess any special qualifications required and have the ability to perform the essential functions of the position. Such demotion or the occupying of a formerly held nonsupervisory classification will not be permitted if the result thereof would be to cause the layoff of a permanent employee with a greater total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held nonsupervisory classification in lieu of layoff, the employee must notify the resident director in writing of such election not later than five calendar days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein.

n. An employee who is laid off or who accepts a voluntary demotion in a series or assignment to a previously held classification in lieu of layoff may, at the employee's request, initiate recall priority for the classification from which the employee was laid off, a lower classification(s) in the same series from which the employee was laid off, and a classification formerly occupied in accordance with rule 681—3.22(8A) for a period of up to one year from the date of layoff. If recall occurs within one year of separation due to reduction in force, prior service credit shall be restored. Acceptance of recall in a lower classification in the same series from which the employee was laid off or in a previously held classification will not affect the employee's recall priority for the classification from which the employee was laid off.

o. Recall priority will utilize the retention points calculated in accordance with subrule 3.21(1), beginning with the person with the highest number of points as applied in the following order:

(1) If the vacancy occurs in a layoff unit in which the employees eligible for recall in a classification were last employed, the resident director will refer the employee with the greatest number of retention points who was laid off, was demoted or took a medically related disability leave from that layoff unit; or

(2) If the vacancy occurs in the layoff unit other than the one in which employees eligible for recall priority in a classification were last employed, the resident director will refer the employee with the greatest number of retention points on the list from a different layoff unit. Employees referred with recall priority must meet the qualifications for the position, including any special qualification requirements. Employing departments must evaluate any eligible employees with recall priority before considering other applicants.

3.21(2) Reserved.

681—3.22(8A) Recall lists. Recall lists will consist of the names of permanent employees who have been laid off or demoted in lieu of layoff or who are able and qualified to return to work following a medically related disability leave in accordance with paragraph 3.21(1)*"i"* and rule 681—3.26(8A) or in accordance with subrule 3.18(3). These lists will be maintained in order by retention points calculated in accordance with the rules for reduction in force, beginning with the person with the highest number of points. Recall rights apply only to classifications for which the employee is eligible in accordance with these rules.

3.22(1) *Removal of names from recall lists.* The resident director may permanently or temporarily remove names from recall lists for the following reasons:

a. Upon receipt of notification from an applicant that the applicant no longer desires consideration for a position in the classification.

b. Appointment to fill a permanent position.

c. Failure to respond within five working days to the written inquiry of the resident director relative to availability for appointment.

d. Declination of an appointment that an applicant previously indicated the applicant would accept.

e. Failure to appear for a scheduled employment interview or to report for duty within a reasonable time specified by the employing department.

f. Failure to maintain contact with the resident director as evidenced by the return of a properly addressed unclaimed letter or other evidence.

g. Willful violation of any of the provisions of these rules.

3.22(2) *Duration of recall lists.* The names of employees who have not been appointed or otherwise removed from lists will be removed at the termination of the period of time designated by the resident director.

3.22(3) *Precedence of eligibility lists.* Recall lists will supersede other applicants.

DISCIPLINARY ACTIONS

681—3.23(8A) Disciplinary actions. Disciplinary action will be reasonable, timely and related in severity to the seriousness of the offense; however, this will not preclude reasonable penalties of varying severity for an accumulation of offenses.

3.23(1) *Suspension.* The employing department may, for cause, suspend any employee for such length of time as the department head considers appropriate, not to exceed 30 days. The employing department will inform the affected employee of the suspension and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the suspension will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or to a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(2) *Reduction of pay within grade.* An employing department may, for cause, reduce the pay of an employee to a lower rate of pay within the pay grade assigned to the classification. The department will notify the affected employee of the reduction, the reasons therefor and the duration thereof in writing within 24 hours of the time the action is taken. A copy of the reduction notice will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(3) *Demotion.* An employing department may, for cause, demote an employee to a vacant position in a lower classification provided the employee meets the qualifications for that lower classification. The department head will notify the affected employee of the demotion and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of demotion will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(4) *Discharge.* A department head may, for cause, discharge any employee. The department head will notify the affected employee of the discharge and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of discharge will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(5) *Eligibility for rehire.* An employee discharged for misconduct or unsatisfactory performance may be determined to be ineligible for reemployment with the same institution. The former employee will be promptly notified and may request review of the reason for disqualification. Such

request shall be in writing, and upon receipt, the resident director will give full consideration to the request for review and notify the applicant of the resident director's decision in writing.

GRIEVANCES AND APPEALS

681—3.24(8A) Reviews of position classification. A permanent employee or department designee may request a position classification review in written form. The employee's or designee's request will be forwarded to the college or division with a recommendation from the department head within 14 days of the date of the request. The college or division will forward the request to the resident director within 14 days. The resident director shall provide a recommendation to the merit system director within 20 working days. The merit system director or designee shall provide a decision within 20 working days to the resident director who will inform the employee and department designee. If the employee or department is not satisfied with the merit system director's decision, the employee or designee may appeal the decision in writing within seven days of the decision to a qualified classification appeal committee appointed in accordance with the procedures approved by the board.

The classification appeal committee will conduct such investigation as it deems necessary to determine the proper classification of the position and will notify the involved parties of its decision within 45 days from receipt of the appeal. Any further requests for review of the same position must be presented to the resident director in compliance with this rule and will be considered a new classification review. A new classification review will not be allowed for one year following the final decision on a request for review unless there have been substantial changes in the duties and responsibilities of the position. An appeal will be considered based on the duties and responsibilities assigned at the time of the original classification review, and in no case will the assignment of additional duties and responsibilities following the resident director's investigation of the original request for review be considered during the process of appeal as outlined above.

681—3.25(8A) Grievances. Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of these merit system rules (other than disputes whose resolution is provided for in rule 681—3.24(8A)) will be resolved in accordance with the following procedure, except at institutions where a varied procedure has been approved by the merit system director in accordance with subrule 3.25(1). Employees in an initial probationary period will be allowed access to the grievance procedure as outlined below, with the exception of dismissal during probation that cannot be appealed. A university representative may permit an oral presentation at any step if the university representative deems an oral presentation necessary. At each step of the grievance procedure, the employee may be represented by one or two coworkers of the employee's choosing. The name of such representatives will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations, and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If a university representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

Step 1. An employee will first discuss the employee's problem with their immediate supervisor. It is presumed the majority of issues will be resolved at this point. If the employee is dissatisfied after such discussion, the employee may, within 14 days after the occurrence of the matter leading to the grievance or within 14 days after such time the employee has, or could reasonably be expected to have, knowledge of such occurrence, file a written grievance with their department head or designee. A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the university or merit system rule allegedly violated and will state the corrective action desired by the employee. The grievance will be signed and dated by the employee. The

department designee will review the grievance and notify the employee of the decision in writing within 14 days after receiving the grievance.

Step 2. If the employee is not satisfied with the decision of the department head or designee, the employee may within seven days after receiving that decision, appeal it to the dean of the college or the head of the major operating division or designee(s) in which the employee is employed. The dean or the division head and the resident director or designee(s) will jointly represent the university at this step of the appeal procedure. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The dean of the college or head of the division and the resident director or designee(s) will investigate the grievance and may affirm, reverse, or modify the decision of the department head. The university representative will notify the employee of their decision in writing within 14 days after receiving the appeal.

Step 3. If the employee is not satisfied with the decision rendered at Step 2 of the grievance procedure, the employee may within seven days after receiving that decision appeal it to the chief administrator of the institution. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The chief administrator or the chief administrator's designee will investigate the grievance and may affirm, reverse, or modify the decision rendered at Step 2. The university representative will notify the employee of their decision in writing within 14 days after receiving the appeal.

Step 4. If the employee is not satisfied with the decision rendered under Step 3 of the grievance procedure, the employee may within seven days after receiving that decision request a hearing before an arbitrator. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.

The appeal will be signed and dated by the employee and will be directed to the merit system director who will arrange for a hearing before an arbitrator as prescribed under subrule 3.25(2). The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

The merit system director shall have the right to rule whether a case is grievable and arbitrable under the merit system. The merit system director shall have the right to refuse to refer to arbitration any grievance not found to be in full compliance with these rules involving the grievance procedure. The board shall retain jurisdiction to review decisions of the merit system director as to whether a matter is grievable or arbitrable upon appeal by an employee.

3.25(1) *Institutional grievance procedure.* An institution may develop a grievance procedure for all or a segment of its employees that varies from the procedure prescribed in rule 681—3.25(8A) provided that such a procedure begins with discussion between the employee and the employee's immediate supervisor and provides for a final hearing in accordance with Step 4 of the grievance procedure prescribed herein. This institutional procedure will incorporate all the rights provided employees in this chapter, will be made known to the employees to whom it applies, and must be approved by the merit system director. In the absence of an approved institutional procedure, the procedure prescribed in rule 681—3.25(8A) will apply.

3.25(2) *Appeals.* The board will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service or the Iowa employment appeal board with a preference for those Iowans so certified.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator will establish procedures for the conduct of the hearing in a fair and informal manner that will afford each party reasonable and ample opportunity for case presentation and to rebut the

presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board within the prescribed time.

LEAVES OF ABSENCE

681—3.26(8A) Sick leave. An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated sick leave as a result thereof.

A permanent employee who has recovered after exhausting all accumulated sick leave and vacation time and has a medical release to return to work will, at the employee's request, be given recall priority consistent with subrule 3.21(1), effective with the date the employee was released to return to work.

681—3.27(8A) Family care and funeral leave. An employing department will, when satisfied by evidence presented, grant an employee time off with pay:

1. Not to exceed three days for each occurrence in the case of death in the employee's immediate family;
2. Not to exceed one day for each occurrence for service as a pallbearer at the funeral of a person not a member of the employee's immediate family; and
3. Not to exceed 40 hours a year for the care of or necessary attention of ill or injured members of the employee's immediate family. An employee may carry over up to 40 hours of unused family care leave to the next year, for a maximum utilization of 80 hours in the next year.

All such time off will be charged to the employee's sick leave and will not be granted in excess of the employee's accrued leave. For the purpose of this rule, "immediate family" is defined as the employee's spouse, children, grandchildren, foster children, stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse, and other persons who are members of the employee's household.

681—3.28(8A) Leave of absence without pay. In the best interests of the institution and its employees and with approval of the resident director, a department head may grant an employee's requests for a leave of absence without pay for up to one year. With the same approval, such a leave may be extended for no more than one additional year.

On conclusion of a leave of absence without pay, an employee, if qualified, will be returned to the position from which the employee was granted leave or to another position in the same class. If such a position no longer exists, the layoff provisions of these rules will take effect.

These rules are intended to implement Iowa Code section 8A.412(5).

[Filed 6/10/26, effective 8/12/26]
[Published 7/8/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0419D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to traffic and parking at universities

The Board of Regents hereby rescinds Chapter 4, "Traffic and Parking at Universities," Iowa Administrative Code, and adopts a new Chapter 4 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 262.69.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 262.

Purpose and Summary

Iowa Code section 262.69 allows the Board to adopt rules to provide for the policing, control and regulation of traffic and parking of vehicles and bicycles on the property of the University of Iowa, Iowa State University and the University of Northern Iowa. The Regent universities serve approximately 71,914 students, employ approximately 37,076 faculty and staff and receive numerous visitors in a given day. The systems of traffic and parking regulations ensure the campus traffic infrastructure operates in a safe and efficient manner.

In 2021, the Board conducted a comprehensive review of its administrative rules to eliminate outdated rules and those that were no longer required by statute. During this process, the Board consolidated three separate university systems and subchapters governing traffic and parking into a single Regents-wide system contained in Chapter 4. This effort resulted in a word count reduction of 5,086. In response to Executive Order 10, the Board reviewed Chapter 4 to further eliminate outdated and unnecessary language throughout the chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0161D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 681—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
TRAFFIC AND PARKING AT UNIVERSITIES

681—4.1(262) Purpose. The purpose of these rules is to provide for the policing, control and regulation of traffic and of parking vehicles on the campuses of the State University of Iowa, Iowa State University and the University of Northern Iowa.

681—4.2(262) Definitions. For the purpose of these rules, the following definitions shall apply unless the context clearly requires otherwise, and all other words shall have meaning according to their common usage.

"Appointed authority" means the person or entity designated by the president of a university to perform any function or duty required or permitted hereunder.

"Bicycle" means any vehicle having two or three wheels and fully operable pedals that is a traditional bicycle designed solely to be pedaled by the rider. An electric/battery-powered bicycle designed not only to be pedaled by the rider but also propelled by an electric motor of less than 750 watts (one horsepower) may be treated as a bicycle.

"Campus" means all property under the control of a university.

"Employee" means any person regularly employed by a university who is not a student.

"Guest" means any person other than a person living at the designated residence hall.

"Handrail" means any railing intended to provide physical support to a pedestrian.

"Immobilization" of a bicycle consists of restricting the bicycle's use by detaining it at the point of infraction with a university locking device.

"Impoundment" of a bicycle consists of removing the owner's locking device, transporting the bicycle to a university facility, and detaining it with a university locking device.

"In-line skates" means any frame or shoe with a single row of wheels that is used for gliding or skating. In-line skates are also known as Rollerblades.

"Motorcycle" means any vehicle that is self-propelled, has fewer than four wheels in contact with the ground, and is not a bicycle or a motorized mode of transportation. For purposes of these rules, mopeds and motorized bicycles propelled by an electric motor of 750 watts (one horsepower) or more are considered motorcycles.

"Motorized modes of transportation" are any wheeled devices that are designed to be stood upon when riding or that have a seat and footrests in place of the floorboard and are powered by an electric/motorized motor. For purposes of these rules, these would include but are not limited to electric scooters, electric skateboards (includes one-wheel models), and Segways.

"Motor vehicle" means any vehicle that is self-propelled, has four or more wheels in contact with the ground, and is not a motorized mode of transportation.

"Roller skates" means any frame or shoe with a pair of small wheels near the heel and near the toe that is used for gliding or skating.

"Skateboard" means any board or platform with attached wheels used for individual transportation. For purposes of these rules, a nonmotorized scooter (a board with a handle) is considered a skateboard.

"Street furniture" is any structure or accessory in a university pedestrian area or slow zone designed for the benefit of pedestrians. This includes but is not limited to benches, tables, lampposts, and trash receptacles.

"Student" means any person registered with the university for academic credit who is not employed by the university on a full-time salaried or equivalent basis.

"University," unless specifically indicated herein, means the state University of Iowa, Iowa State University or the University of Northern Iowa.

"Vehicle" means any wheeled or treaded device used or designed for use as a means of transportation or conveyance of persons or property.

"Visitor" means any person who owns, operates or parks a vehicle on the university campus who is not a student or an employee.

681—4.3(262) General traffic.

4.3(1) The appointed authority may establish rules governing traffic violations and the safe operation of all vehicles, including motor vehicles, motorcycles, motorized modes of transportation, skateboards, in-line skates, roller skates, and bicycles, on institutional roads and property as the appointed authority deems necessary. Such traffic rules shall be available for inspection during business hours at the office of the appointed authority and the state board of regents. Traffic violations may also be charged and prosecuted as violations of Iowa Code chapter 321 and section 262.68. All state of Iowa motor vehicle laws are in effect on campus.

4.3(2) The appointed authority shall erect speed limit signs on institutional roads and property.

4.3(3) The appointed authority is delegated authority to make temporary changes in traffic patterns, including establishment of one-way roads and road closures, where necessary because of construction or special events being held on campus.

4.3(4) The appointed authority is delegated authority to erect traffic control signs and devices and to designate the following areas: pedestrian crosswalks; bicycle lanes; no bicycling, skateboard, in-line skating and roller skating areas; bicycle dismount zones; and pedestrian-only areas. The appointed authority is also delegated authority to restrict access to campus roads, parking lots and other facilities by means of gates or other barriers. Roads or portions of roads may be closed to vehicle traffic or limited to specific vehicles. Access to restricted areas is limited to established gate openings or designated entrances, and no other means of access is permitted. Moving or driving around authorized barriers is prohibited. All vehicle operators must obey all signs directing traffic flow on campus.

4.3(5) Pedestrians shall be given the right-of-way at all crosswalks or when in compliance with existing traffic controls.

4.3(6) Driving of motor vehicles, motorcycles, and motorized modes of transportation on university property other than roads is prohibited unless specific areas have been designated for such use by the appointed authority or special permission has been granted by the appointed authority.

4.3(7) Driving of motor vehicles and motorcycles on parts of institutional roads marked as bicycle lanes or on designated bicycle paths is prohibited.

4.3(8) The appointed authority is delegated authority to have the university public safety department investigate accidents that occur on university property.

4.3(9) Every person riding a bicycle, roller skates, skateboard, in-line skates, or motorized modes of transportation on a street or highway on campus is granted all the privileges and is subject to all the regulations applicable to a driver of any motor vehicle on that street or highway and to the special regulations of this subrule.

a. A bicycle rider on campus must:

(1) Obey the instructions of official traffic control devices, signs and signals applicable to motor vehicles unless otherwise directed by a peace officer or other authorized traffic director;

(2) Obey the direction of any sign whenever authorized signs are erected indicating that no right, left or U-turn is permitted;

(3) Obey the regulations applicable to pedestrians when the bicycle rider dismounts from the bicycle;

(4) Yield the right-of-way to all vehicles approaching on a street whenever a rider is on a separate bicycle path that intersects the street;

(5) Not use campus sidewalks except those specifically designated as bicycle paths;

(6) Yield the right-of-way to any pedestrian in a designated crosswalk;

(7) Not ride on lawns.

b. This subrule does not apply to peace officers of the university's department of public safety while they are acting within the scope of their regularly assigned duties.

4.3(10) Roller skates, in-line skates, and skateboards are permitted on campus sidewalks. Roller skates, in-line skates, and skateboards may be carried into university buildings, but they may not be ridden in university buildings. Bicycles, motorized modes of transportation, motorcycles, and motor vehicles are not permitted on campus sidewalks or in university buildings unless approved by the appointed authority. No vehicles may be used or ridden on stairways, sub-walks, elevated sidewalks, access ramps, steps, retaining walls, handrails, street furniture or other architectural elements; on or in planting, grass or seeded areas; or where otherwise prohibited by sign, peace officer or other authorized traffic director. All vehicles must yield the right-of-way to any pedestrian and any wheelchair or other mobility assistance device for the disabled.

681—4.4(262) Registration.

4.4(1) *Students.* Every motor vehicle and motorcycle that is operated or maintained by a student on campus must be registered with the university, and a registration identification must be displayed on such vehicles in the manner prescribed by the appointed authority. A student must register the motor vehicle or motorcycle within 48 hours of initial operation of such vehicles on campus.

4.4(2) *Employees.* Motor vehicles and motorcycles owned or operated by employees may be registered with the university if the employee so desires, but registration of such vehicles is not required unless the employee desires parking privileges on the campus. A registration identification may be issued for display on such vehicles registered by employees.

4.4(3) *Visitors.* Motor vehicles and motorcycles owned or operated by visitors may be registered with the university if the visitor so desires, but registration of these vehicles is not required unless the visitor desires parking privileges on campus or the visitor needs temporary or extended access to parking lots. A registration identification shall be displayed on motor vehicles and motorcycles registered by visitors in the manner prescribed by the university.

4.4(4) *Procedure.* Applications for registration shall be submitted to the appointed authority in the manner the appointed authority prescribes. No student shall register any motor vehicle or motorcycle owned or maintained by another student. No fee shall be charged for registration without parking privileges.

4.4(5) *Bicycles.* Each university may prescribe additional policies regarding the registration of bicycles.

681—4.5(262) Parking facilities. The university may set aside and designate certain areas of the campus for the parking of motor vehicles, motorcycles, motorized modes of transportation, and bicycles, and the use of any lot, ramp, or part of the parking facilities so established may be restricted to students, employees, or visitors. The appointed authority shall cause signs to be erected and maintained clearly identifying those areas of the university campus designated for vehicle parking, and any restrictions applicable thereto shall be conspicuously posted.

4.5(1) *Parking control devices.* Gates and other devices may be installed and maintained to control access to any parking facility.

4.5(2) *Parking meters.* Parking meters, toll houses, mobile parking applications, and other devices may be installed and maintained to regulate the use of any parking facility.

4.5(3) *Hours of operation.* Reasonable hours shall be established by the university for the normal operation of the parking facilities, and a schedule of hours of operation shall be published and available for public inspection in the office of the appointed authority.

4.5(4) *Closing.* The appointed authority may temporarily close any parking facility for cleaning, maintenance or other university purpose or may temporarily restrict or reassign the use of any facility as may be necessary or convenient. The appointed authority shall give advance notice of such temporary closing, restriction, or reassignment by posting or otherwise when practical. No parking fees will be refunded during the temporary closing of a parking facility.

4.5(5) *Restricted zones.* The appointed authority may designate areas of the campus as restricted zones, such as loading zones or service vehicle zones, and such restricted zones shall be conspicuously posted. No parking shall be permitted in such restricted zones except as authorized.

4.5(6) *No parking.* Motor vehicle, motorcycle, and motorized mode of transportation parking on the campus shall be restricted to designated parking facilities, and no parking for motor vehicles, motorcycles, or motorized modes of transportation shall be permitted at any other place on the campus.

a. Vehicles shall not be parked in such a manner as to block or obstruct sidewalks, crosswalks, driveways, roadways, or designated parking stalls.

b. No parking is permitted in prohibited zones, such as in the vicinity of fire hydrants or fire lanes, and such zones shall be conspicuously posted or marked by painted curbs or other standard means.

c. No parking is permitted on grass or other vegetation or in pedestrian areas.

d. Motor vehicles are not allowed in university buildings except:

(1) Where a shop or garage is designated as a vehicle repair or storage area;

(2) Where there is a designated vehicle loading area; or

(3) Where there is a parking ramp or deck.

e. Improper parking is parking in any place on campus other than those areas designated for parking.

f. Improper parking is parking incorrectly in designated parking areas. Improper parking includes but is not limited to:

(1) Parking in an area restricted by signs;

(2) Parking without an appropriate permit;

(3) Parking in an area designated for persons with disabilities;

(4) Parking in a loading zone over the time limit; and

(5) Parking over a stall marker line.

4.5(7) *Motorcycle parking.* The appointed authority may designate areas of the parking facilities for motorcycle parking, and such areas shall be conspicuously posted. Motorcycles shall be parked only in areas designated for motorcycle parking, and no other vehicles shall be parked in such areas. The university may require that a parking permit be displayed on all motorcycles.

4.5(8) *Bicycle parking.* The appointed authority may install and maintain bicycle parking racks or designate other facilities for bicycle parking. Bicycles shall be parked only in bicycle racks or other facilities designated for bicycle parking. Bicycles may not be taken inside university buildings except as approved by the appointed authority. Locking devices on improperly or illegally parked and abandoned bicycles may be cut and removed when necessary.

4.5(9) *Abandoned bicycles.* Bicycles considered abandoned may be labeled for impending impoundment by placing impoundment tags on the bicycles. If the bicycles display the proper registration decals, an attempt will be made to contact the owners to remove the bicycles. If the bicycles do not display the proper registration decals, the owners have two weeks to contact the parking and transportation office from the time the bicycles are tagged until the bicycles may be impounded.

681—4.6(262) Parking privileges. Students, employees, and visitors may be granted parking privileges on the campus in accordance with these rules and upon such other reasonable terms and conditions as may be established by the university.

4.6(1) *Students.* Students may be granted parking privileges in parking facilities designated for student use. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of a student's age, class, college or department, course load, proximity of the student's residence to the campus, disability, employment, the availability of facilities, or any other relevant criterion to determine the eligibility of students for parking privileges or any optional plan or facility.

4.6(2) *Employees.* Nonstudent employees may be granted parking privileges in parking facilities designated for employee use. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of an employee's job classification, length of service, place of work or the nature thereof, or disability; the availability of

facilities; or any other relevant criterion to determine the priority of employees for assignment of parking privileges or any optional plan or facility.

4.6(3) *Visitors.* Visitors may be granted parking privileges in parking facilities designated for visitor parking. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of the time, duration or purpose of the visit; disability; the availability of facilities; or any other relevant criterion to determine the eligibility of visitors for parking privileges or any optional plan or facility.

4.6(4) *Persons with disabilities.* Persons with disabilities will be granted parking privileges in parking facilities designated for use by persons with disabilities.

4.6(5) *Procedure.* Applications for parking privileges shall be submitted to the appointed authority in the manner the appointed authority prescribes. No student shall apply for parking privileges for any vehicle owned or maintained by another student. The appointed authority shall determine the eligibility and priority of each applicant for parking privileges within the classifications established in subrules 4.6(1), 4.6(2) and 4.6(3) and shall make all parking assignments. A parking permit or other means of identification may be issued to each applicant who is granted parking privileges, and such permit or other identification must be displayed on the vehicle in the manner prescribed by the appointed authority. Parking permits are not transferable. Parking privileges shall not be granted to a student and to an employee or visitor for the same vehicle, and a student parking permit and an employee or visitor parking permit shall not be displayed on the same vehicle. The unauthorized possession, use, alteration, forging or counterfeiting of a parking permit, or any portion thereof, is prohibited. The appointed authority shall adopt a procedure to replace lost, stolen and destroyed parking permits and controlled access entry cards.

4.6(6) *Parking fees.* The university may assess and collect from students, employees, and visitors reasonable fees or charges for parking privileges and the use of parking facilities. The amount of such fees and charges shall be established by the university and approved by the state board of regents, and a schedule of all parking fees and charges shall be published and available for inspection during normal business hours in the office of the appointed authority and in the office of the state board of regents. Parking fees and charges may be assessed and collected on an annual, semester, monthly, daily, or hourly basis. Parking fees and charges may be added to student tuition bills and may by agreement be withheld from the salaries or wages of employees by payroll deduction. Parking fees and charges may be collected by means of parking meters, toll houses, and mobile parking applications. Use of any parking facility constitutes an implied agreement to pay the prescribed fee or charge therefor.

4.6(7) *University business.* Special parking privileges may be granted for vehicles being used on official university business on the conditions and in the manner prescribed by the appointed authority.

4.6(8) *Responsibility.* Any person who maintains, owns or operates a vehicle that is parked on the campus or in whose name the vehicle is registered or to whom parking privileges have been granted is responsible for the proper parking of the vehicle at all times when it is on the campus and for all parking violations involving the vehicle.

4.6(9) *Liability.* Parking privileges granted hereunder constitute a license to use university parking facilities and do not constitute a lease of such facilities or a bailment of the vehicle by the university. Use of university parking facilities is at the owner's or applicant's risk, and the university shall not be liable or responsible for loss of or damage to any vehicle parked on the campus.

4.6(10) *Revocation.* Parking privileges on the campus may be revoked by the university for good cause at any time upon five days' written notice and refund of any advance payment of parking fees or charges on a pro rata basis for the revoked period.

681—4.7(262) Violations. Sanctions may be imposed for violation of traffic, registration and parking rules as follows.

4.7(1) *Notice of violations.* The university shall give written notice of all parking violations. Such notice may be given by means of a notice of parking violation placed conspicuously on the offending vehicle or provided in an alternative manner as determined by the appointed authority, and such notice

shall constitute constructive notice of the violation to the owner and operator of the vehicle and to any person in whose name the vehicle is registered or parking privileges have been granted.

4.7(2) *Sanctions.* Reasonable monetary sanctions may be imposed upon students, employees, and visitors for violation of university traffic, vehicle registration or parking rules. The amount of such sanctions shall be established by the university and approved by the state board of regents, except sanctions established by statute will be imposed at the current statutory amount. A schedule of all sanctions for traffic violations, improper registration and parking shall be published and available for public inspection during normal business hours in the office of the appointed authority and in the office of the state board of regents. Traffic, registration, and parking sanctions may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and charged to the person's university account. Registration and parking sanctions may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.

4.7(3) *Impoundment and immobilization.* Any vehicle parked on the campus in violation of parking rules may be impounded, removed or immobilized. The university shall give written notice of impoundment to the owner of the vehicle or to the person in whose name the vehicle is registered or parking privileges have been granted, or notice may be provided in an alternative manner as determined by the appointed authority. A reasonable fee may be charged for the cost of impoundment and storage, which fee must be paid prior to the release of the vehicle by the university or by contract with private operators. Impounded vehicles that are not claimed within 60 days will be deemed abandoned property and may be sold under procedures set forth in Iowa Code chapter 579, and the proceeds of the sale will be applied to the payment of the costs of impoundment, storage and sale. The balance, if any, shall be sent to the owner.

a. Immobilization. Immobilized bicycles bearing proper registration permits may be claimed by proving ownership and payment of immobilization fees and any fines. Immobilized bicycles not bearing proper registration permits may be claimed by proving ownership, registering the bicycle under a valid name and address, and paying the appropriate fines and immobilization fees. Immobilization fees for first-time offenders may be waived after immobilized bicycles have been registered. Immobilized bicycles not reclaimed after two working days may be impounded.

b. Impoundment. Impounded bicycles bearing proper registration permits may be claimed by proving ownership and paying the impoundment fees and any fines. Impounded bicycles not bearing proper registration permits may be claimed by proving ownership, registering the bicycles under a valid name and address, and paying the appropriate fines and impoundment fees. Impoundment fees for first-time offenders may be waived after impounded bicycles have been registered. All impounded bicycles will be held for 60 days, during which time they may be claimed by the owners upon payment of all outstanding fines and charges. After 60 days, all unclaimed impounded bicycles will be deemed abandoned property and sold pursuant to Iowa law, and the proceeds applied to the costs of impoundment, storage and sale. The balance, if any, shall be sent to the owner, if known.

4.7(4) *Administrative hearing.* Students and employees may request a hearing and administrative ruling concerning a controversy, based on the imposition of a sanction for a registration or parking violation, or an impoundment procedure, by the appropriate university official or hearing body as set forth in university policy. Visitors may request the appointed authority to conduct a hearing and issue an administrative ruling in such cases.

4.7(5) *Judicial review.* Judicial review of an administrative ruling may be sought in an Iowa district court in accordance with the terms of the Iowa administrative procedure Act.

681—4.8(262) Administration of rules. The president of the university shall be responsible for the proper administration of these rules. The president is authorized to establish traffic and parking procedures not inconsistent with these rules as may be reasonably necessary and convenient for the effective administration of presidential duties hereunder, and any procedure so established shall be published and available for public inspection during normal business hours in the office of the appointed

authority and in the office of the state board of regents. The president may delegate authority under these rules to the appointed authority or to any other person designated by the president to perform any function or duty hereunder.

681—4.9(262) Effect of rules. These rules constitute a condition of registration as a student at the university and a condition of employment as an employee of the university. Registration as a student or acceptance of employment constitutes an acceptance of these rules and an agreement to pay all prescribed fees and monetary fines imposed in accordance with these rules.

These rules are intended to implement Iowa Code section 262.69.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0420D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to the state hygienic laboratory

The Board of Regents hereby rescinds Chapter 5, "State Hygienic Laboratory," Iowa Administrative Code, and adopts a new Chapter 5 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 263.7 and 263.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 263.

Purpose and Summary

Iowa Code chapter 263 requires rules to be adopted for the State Hygienic Laboratory for examination and investigations and authorizes the laboratory to charge fees covering transportation of samples and the costs of examinations performed. Chapter 5 describes the specimens examined; who can submit specimens for examination or investigation; and when fees will be charged, waived or deferred.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0160D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 681—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
STATE HYGIENIC LABORATORY

GENERAL REGULATIONS

681—5.1(263) Scope of services.

5.1(1) *Scientific.* The laboratory provides analytical and reference services, surveillance information, disaster and terrorism response, population data, microbiological, biological, and chemical examinations and other investigations in the areas of disease, newborn and maternal screening, fieldwork and the assessment of environmental quality.

5.1(2) *Consultative.* The professional staff of the laboratory provide regulatory review, consultative assistance, and data interpretation and evaluation of environmental effects and scientific needs to persons, agencies, and organizations with interest or involvement in public and environmental health.

5.1(3) *Education and training.* As part of the laboratory's academic mission, staff of the laboratory provide education and training for professional colleagues, educators, students, citizens, policymakers and anyone interested in public and environmental health through appropriate educational methods.

5.1(4) *Applied research.* The laboratory conducts scientific research designed to solve practical problems and to translate basic research to improve public and environmental health.

681—5.2(263) Specimens examined.

5.2(1) *Classification.* This being the state public health and environmental laboratory, specimens submitted to it should have a direct or probable significance that is actionable for public health, medical management, or the quality and preservation of the environment.

5.2(2) *Who may submit specimens.*

a. Licensed physicians, osteopathic physicians, and other licensed practitioners may submit specimens for the diagnosis and control of communicable or other diseases in which such tests are required by the state department of public health.

b. Veterinarians may submit animal specimens involving diseases of animals that are communicable to humans.

c. The department of health and human services may submit specimens as stated in Iowa Code section 263.8(2). Other programs, services, and studies may be negotiated on a contractual basis.

d. The natural resources department may submit specimens necessary in the conduct of its fundamental responsibilities relative to municipal water supplies. Other programs, services, and studies may be negotiated on a contractual basis.

e. Other state agencies, institutions, and municipalities may submit specimens, generally under a contractual arrangement if the submission is to be of a regular or routine nature.

f. Local departments of health may submit specimens when performing official functions of state regulatory agencies. The examination of other specimens necessary in the support of locally directed programs are provided only with prior clearance and cost negotiations.

g. Private individuals may submit specimens to address infectious disease or environmental concerns.

h. Privately owned industries and businesses may submit specimens for environmental studies by prior arrangement with the laboratory on a fee-based contractual basis.

i. Public schools may submit specimens at the discretion of the school nurse, consulting physician, principal, or upon recommendations of the local department of health.

j. Any agency, organization, business or individual impacted by a natural disaster may submit specimens that require testing to ensure health and safety.

k. First responders, hazmat teams, the Radiological Emergency Response Team, the 71st Civil Support Team, the FBI, the United States Postal Service and any other officially recognized law enforcement or terrorism response agency may submit samples for identification and confirmation of potential weapons of mass destruction (WMD) according to the Iowa Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Response Protocol.

681—5.3(263) Charges.

5.3(1) Specimens for which the fee may be waived or deferred by the laboratory:

a. Specimens submitted relating to diseases communicable from human to human, from animals to human, provided such examinations are required by rules of the state department of public health.

b. Specimens submitted under statutory authority by state agencies or designees of state agencies that are involved in investigations or episodes challenging the health of the public or the quality of the environment. Expenses caused by emergency testing may be eligible for subsequent reimbursement.

c. Any specimen when there is probable cause that a direct threat to public health exists. Such tests may qualify for subsequent reimbursement.

d. Specimens submitted related to the confirmation or identification of potential WMD according to the Iowa CBRNE Response Protocol.

5.3(2) Specimens for which fees are charged:

a. Specimens submitted under no statutory authority that are part of special investigations or surveillance programs and where there is no direct threat to the public health or environmental quality.

b. Specimens submitted for the submitter's private information.

c. Specimens submitted by private concerns and municipalities that are product quality control measures and, therefore, a cost of doing business.

d. Specimens not covered by statute, by rules of the department of health and human services, by rules of the department of natural resources or by this subrule may be examined and charged for at rates to be determined by the laboratory subject to any limitations imposed by law.

These rules are intended to implement Iowa Code chapter 263.

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ARC 0421D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to equal employment opportunity

The Board of Regents hereby rescinds Chapter 7, "Equal Employment Opportunity," Iowa Administrative Code, and adopts a new Chapter 7 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 19B.3(2)"j."

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 19B.

Purpose and Summary

Iowa Code chapter 19B requires the Board to adopt equal employment opportunity rules in accordance with Iowa Code chapter 17A. The Board is rescinding those portions of the chapter that are unnecessary, nonsubstantive, or duplicative of State or federal law.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0170D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 2026

No one attended the public hearings. No public comments were received.

Since publication of the Notice, 2026 Iowa Acts, House File 2711, has been signed into law. The legislation eliminates certain State requirements related to affirmative action. Therefore, rules related to affirmative action have been removed from this rulemaking.

Adoption of Rulemaking

This rulemaking was adopted by the Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 681—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
EQUAL EMPLOYMENT OPPORTUNITY

681—7.1(262) Definitions.

"Bona fide occupational qualification" means a qualification reasonably necessary to the normal function of a position in the operation of a particular business. The concept of the bona fide occupational qualification is narrow in scope and will not be applied to include the mere preference or convenience of the employer.

"Protected class" shall mean any group that is legally protected from discrimination under Iowa Code chapter 216 or applicable federal law.

681—7.2(262) Equal employment opportunity.

7.2(1) *Nondiscrimination in employment.* The state board of regents and all institutions under the jurisdiction of the state board of regents shall appoint, assign, and advance employees on the basis of merit and fitness. Each institution under the jurisdiction of the state board of regents shall promulgate a written policy of nondiscrimination in employment.

7.2(2) *Personnel administration.* The state board of regents office and all institutions under the jurisdiction of the state board of regents shall regularly review its personnel practices and procedures with a view to correcting personnel practices and procedures that may contribute to discrimination in appointment, assignment, or advancement. Each institution shall conduct programs of job orientation and provide training and organizational structure for upward mobility and shall place emphasis upon fair practices in employment. Each institution shall also bar from all employment application forms any inquiry as to protected class unless it relates to a bona fide occupational qualification.

681—7.3(262) Contract compliance.

7.3(1) *Equal employment opportunity.* The state board of regents and all institutions under the jurisdiction of the state board of regents are responsible for the administration and promotion of equal opportunity in contracts and services and the prohibition of discriminatory and unfair practices within any program administered by institutions under the jurisdiction of the state board of regents receiving or benefiting from state financial assistance in whole or in part. Every official responsible to the state board of regents who is authorized to make contracts or subcontracts for construction or for goods or services shall cause to be inserted into every such contract or subcontract a clause in which the contractor or subcontractor is prohibited from engaging in discriminatory employment practices in violation of federal and state laws, regulations, and executive orders that pertain to equal employment opportunity.

7.3(2) *Procedures.* Any individual aggrieved by a contractor's alleged noncompliance with the state board of regents equal employment opportunity policy may file a complaint with the institutional office designated for receiving and investigating complaints of discrimination. Complaints shall be investigated in accordance with established institutional policies and procedures.

7.3(3) *Bidding requirement.* All construction specifications shall include, in the "instruction to bidders," the following paragraph: "Bidders shall file with each bid a completed state board of regents equal employment opportunity data reporting form as included in the specifications or certify on the certificate of reporting that they have filed their annual equal employment opportunity data reporting form with the state board of regents equal opportunity compliance office."

These rules are intended to implement Iowa Code chapter 19B.

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REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to policies, practices and procedures

The Board of Regents hereby rescinds Chapter 9, "Policies, Practices and Procedures," 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 section 262.9(3).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 23A and 262.

Purpose and Summary

Iowa Code section 262.9(3) requires the Board to establish rules for the government of the institutions under the Board's jurisdiction, and Iowa Code chapter 23A allows the Board to provide exemptions from the application of Iowa Code chapter 23A by rule.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0169D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 681—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
POLICIES, PRACTICES AND PROCEDURES

681—9.1(262) Uniform rules of personal conduct.

9.1(1) *Rules of personal conduct.* The acts of misconduct defined in this subrule apply at the universities governed by the state board of regents. The universities are authorized to adopt other definitions of misconduct in addition to those in this rule. Any person, student, member of the faculty or staff, or visitor who intentionally commits, attempts to commit, or incites or aids others in committing any of the following acts may be subject to disciplinary action:

a. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university or university-authorized function or event.

b. Unauthorized occupation or use of or unauthorized entry into any university facility.

c. Physical abuse or the threat of physical abuse against any person on the campus or at or during any university-authorized function or event, or other conduct that threatens or endangers the health or safety of others.

d. Theft of or damage to property of the university or of a person on the campus or at or during any university-authorized function or event.

e. Interference with the right of access to university facilities or with any other lawful right of any person on the campus.

f. Setting a fire on the campus or at or during any university-authorized function or event without proper authority.

g. Use or possession of firearms, ammunition, or other dangerous weapons, substances, or materials, or of bombs, explosives, or explosive or incendiary devices except as expressly authorized by the university or applicable law on the property or during any university-affiliated function or event.

h. Participation in a riot or unlawful assembly, or failure to disperse, as defined by state law, whether such acts occur on or off the campus.

i. Violation of any rule of conduct promulgated by the university.

9.1(2) *Sanctions.*

a. Any student or member of the faculty or staff who is found to have violated any of the rules of personal conduct set forth in rule 681—9.1(262) may be sanctioned up to and including suspension, expulsion, or termination of employment.

b. A person who applies for reinstatement to or reemployment by the university following a sanction of expulsion or termination may be denied reinstatement or reemployment if it is found that such person has committed any acts of misconduct specified in rule 681—9.1(262). A person denied reinstatement or reemployment under this subrule may seek further review of the decision in accordance with established university procedures.

c. Any sanction imposed under subrule 9.1(2) shall have operative effect at all universities.

9.1(3) *Emergency power.*

a. The president is authorized to declare a state of emergency to exist at the institution upon a determination that violent actions or disruptive activities at the university are of such a nature as:

(1) To present a clear and present danger to the orderly processes of the university or to persons or property on the campus, and

(2) To require extraordinary measures to:

1. Safeguard persons or property at such institution, or
2. Maintain educational or other legitimate institutional functions.

b. The state of emergency shall cease to exist automatically 48 hours after it is declared unless the president, after reviewing the situation, determines that the state of emergency should be extended, such determination to be made under the standards established in subparagraphs 9.1(3)*"a"*(1) and *"a"*(2). Each extension shall be for a maximum period of 48 hours with a new determination being made for each extension. The president may declare the state of emergency to be over before the 48-hour period has run.

c. As soon as feasible after declaring a state of emergency, the president shall notify the state board of regents of actions taken.

d. Upon a finding by the president as set forth in paragraph 9.1(3)*"a,"* the president is authorized to take such action as may be necessary to eliminate or alleviate a clear and present danger to the orderly processes of the university and to safeguard persons or property at the university or to maintain educational or other legitimate university functions, including barring a particular person or persons from the campus.

9.1(4) *Sanctions under emergency power.* Any person who is found to have knowingly violated a presidential order issued as contemplated in subrule 9.1(3) may be disciplined, up to and including expulsion or termination from the university.

9.1(5) *Constitutional rights.* The foregoing rules shall be construed so as not to abridge any person's constitutional rights under the First Amendment of the Constitution of the United States.

681—9.2(262) Transfers.

9.2(1) *Transfers among regent institutions.* Admission is denied if the applicant currently is under disciplinary suspension or has been dismissed from one of the other regent universities for violation of the state board of regents' rules of personal conduct and is not eligible to reenter. Further, if such transfer applicant is currently on probation for having violated the state board of regents' rules of personal conduct at one university, the applicant, if admitted to another regent university, is admitted on probation.

9.2(2) *Transfers from nonregent institutions.* If the application for admission or the transcript from another institution shows that the applicant is not eligible to reenroll there, further inquiry will be made to determine the reason. Such inquiry may lead to admission, conditional admission, or denial of admission. Appeals from the decision will be referred to appropriate university channels.

9.2(3) *Applications from visitors.* A visitor to the campus who is believed to have violated the rules of personal conduct and who later applies for admission or employment may be denied admission or employment because of the applicant's prior conduct, subject to review if the denial is appealed by the applicant. An applicant who would be subject to such a denial and review at any university governed by the state board of regents shall be subject to the same denial and review by the other two regent universities if application for admission or employment is made to them. The three universities shall cooperate in making known the identity of persons barred from admission or employment among all three institutions.

681—9.3(23A) Competition with private enterprise.

9.3(1) *Definitions.*

"Compete" means to engage in, either directly or by or through another state agency or political subdivision, the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services to the public that are also offered by private enterprise. "Compete" does not include the use of goods or services exclusively by the institution.

"Institutions" means the State University of Iowa, the University of Northern Iowa, and Iowa State University of Science and Technology.

"Private enterprise" means an individual, firm, partnership, joint venture, corporation, association, or other legal entity engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services for profit.

9.3(2) *Policy in writing.* Each institution shall have a written policy that contains:

a. A mechanism for reviewing proposed activities involving the sale of goods and services to ensure that the activities are permitted as set forth in this rule; and

b. A procedure for receiving, reviewing, and responding to inquiries about activities carried out by the institution.

9.3(3) *Prohibition.* Institutions shall not engage in activities that compete with private enterprise except as provided below.

9.3(4) *Exceptions provided by statute.* This prohibition does not apply to the activities of an institution as provided in Iowa Code section 23A.2(8)*"k"*(1) through *"k"*(10) or any other applicable provision of Iowa law.

9.3(5) *Exemptions.* The state board of regents exempts the following activities from the prohibition against competition with private enterprise.

a. Goods and services that are directly and reasonably related to the mission of the institution, including but not limited to:

(1) Conferences, institutes, outreach programs, specialized centers and other efforts and programs that provide continuing education;

(2) Child day care services and health services provided to members of the university community;

(3) Educational media, publication, distribution, and audiovisual centers and services;

(4) Family and guest housing or short-term lodging;

(5) Laundry, custodial, maintenance, and similar services.

b. Goods and services offered to only students, employees, or guests of the institution or school and that cannot be provided in a timely manner by private enterprise at the same or lower cost and of the same or better quality or terms.

c. Use of institutional aircraft and vehicles in connection with institution-related travel.

d. Durable medical equipment or devices sold or leased for use off premises of an institution or University of Iowa Hospitals and Clinics.

e. Goods or services that are not otherwise available in the quantity or quality required by the institution, including but not limited to specialized course materials, equipment, supplies, software, and publications.

f. Telecommunications systems utilized for communications and broadcast and narrowcast communication systems, including microwave, fiber-optic and satellite communications.

g. Facilities, programs, and associated support services for fitness and recreation.

h. Food services and sales.

i. Sales of books, records, tapes, software, educational equipment and supplies, and personal computers and associated hardware.

j. Goods and services provided to other state board of regents institutions; affiliates of state board of regents institutions; federal, state, and local government entities; nonprofit organizations; entities established pursuant to Iowa Code chapter 28E; and student organizations.

k. Public-private partnerships or similar economic development projects that are initiated for the benefit of one or more institutions as determined by the state board of regents.

9.3(6) *Appeal process.*

a. A private enterprise that seeks to appeal an action or activity of an institution shall attempt to resolve the issue at the institutional level. The form of appeal to the institution shall be a letter to the chief business officer.

b. If the private enterprise is dissatisfied with the institution's response, the private enterprise may notify the executive director of the state board of regents and request assistance. This request shall be in writing and shall describe the action or activity that is being appealed.

c. The executive director may then take action to assist the private enterprise and the institution in resolving the issue.

d. If the issue remains unresolved, the executive director, at the request of the private enterprise, may docket the matter for review by the state board of regents. If the matter is docketed, the executive director will prepare a recommendation for the state board of regents to consider. A copy of the recommendation with notice of the time, date, and place of the meeting for which the matter has been docketed shall be transmitted to the private enterprise and the institutions prior to the meeting.

e. State board of regents action shall constitute a final agency action.

This rule is intended to implement Iowa Code chapter 23A.

681—9.4(262) Procurement policy for goods and services. The best interests of the state of Iowa and of the regents institutions are served through implementation of a full and free competitive purchasing system for the procurement of goods and services. The name of the successful bidder and all other bidders and the amounts bid shall be supplied to any person upon oral or written request following the execution of the prime contract(s) or agreement(s) related to the procurement.

681—9.5(262) Contracting authority. Except for authority retained by the state board of regents pursuant to law, rule, or state board of regents policy, the state board of regents delegates to the president of each university the authority to enter into contracts and agreements. Each president may delegate the president's authority, in whole or in part, to other employees at the president's university.

681—9.6(262) Adoption of rules and policies. The president of each institution is delegated the authority to adopt policies as may be appropriate for the operation of the institution and that are not inconsistent with the general rules and policies adopted by the state board of regents. The state board of regents retains the authority to rescind any institutional policy.

These rules are intended to implement Iowa Code chapters 262 and 23A.

[Filed 6/10/26, effective 8/12/26]
[Published 7/8/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0423D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to records management

The Board of Regents hereby rescinds Chapter 10, "Records Management," Iowa Administrative Code, and adopts a new Chapter 10 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 8A.615.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 8A and 17A.

Purpose and Summary

Iowa Code section 8A.615 requires the Board to adopt rules pursuant to Iowa Code chapter 17A for records management.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0168D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 681—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
RECORDS MANAGEMENT

681—10.1(305) Records system. The state board of regents' office and each institution governed by the state board of regents shall develop internal procedures governing the management of records, which shall be made available for public inspection. Each system shall incorporate the following:

10.1(1) Procedures dealing with records of transactions of the official business of the institution or state board of regents' office, including design, handling, maintenance, filing, storage, and security.

10.1(2) Procedures dealing with utilization of space, equipment, and supplies.

10.1(3) Schedules for retention of records and the form in which they are to be retained, either in offices or archives.

10.1(4) Schedules for destruction of records and the method to be used.

10.1(5) Standards for reproduction of records.

This rule is intended to implement Iowa Code section 8A.615.

[Filed 6/10/26, effective 8/12/26]
[Published 7/8/26]
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ARC 0424D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to board of regents organization and general rules

The Board of Regents hereby rescinds Chapter 11, "Board of Regents Organization and General Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2024 Iowa Acts, Senate File 2370.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

Pursuant to 2024 Iowa Acts, Senate File 2370, signed into law on May 17, 2024, the requirement for State agencies to provide a description of their organization, general course and method of operations and a statement of mission in the Iowa Administrative Code was removed. Therefore, the Board is rescinding Chapter 11 in its entirety.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0167D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **681—Chapter 11**.

[Filed 6/10/26, effective 8/12/26]
[Published 7/8/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0425D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to university of Iowa organization and general rules

The Board of Regents hereby rescinds Chapter 12, "University of Iowa Organization and General Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2024 Iowa Acts, Senate File 2370.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

Pursuant to 2024 Iowa Acts, Senate File 2370, signed into law on May 17, 2024, the requirement for State agencies to provide a description of their organization, general course and method of operations and a statement of mission in the Iowa Administrative Code was removed. Therefore, the Board is rescinding Chapter 12 in its entirety.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0166D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **681—Chapter 12**.

[Filed 6/10/26, effective 8/12/26]
[Published 7/8/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0426D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to Iowa state university of science and technology organization and general rules

The Board of Regents hereby rescinds Chapter 13, "Iowa State University of Science and Technology Organization and General Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2024 Iowa Acts, Senate File 2370.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

Pursuant to 2024 Iowa Acts, Senate File 2370, signed into law on May 17, 2024, the requirement for State agencies to provide a description of their organization, general course and method of operations

and a statement of mission in the Iowa Administrative Code was removed. Therefore, the Board is rescinding Chapter 13 in its entirety.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0165D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **681—Chapter 13**.

[Filed 6/10/26, effective 8/12/26]
[Published 7/8/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

ARC 0427D

REGENTS BOARD[681]

Adopted and Filed

Rulemaking related to university of northern Iowa organization and general rules

The Board of Regents hereby rescinds Chapter 14, "The University of Northern Iowa Organization and General Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2024 Iowa Acts, Senate File 2370.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

Pursuant to 2024 Iowa Acts, Senate File 2370, signed into law on May 17, 2024, the requirement for State agencies to provide a description of their organization, general course and method of operations and a statement of mission in the Iowa Administrative Code was removed. Therefore, the Board is rescinding Chapter 14 in its entirety.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0164D**. A public hearing was held on the following date(s):

- April 28, 2026
- April 30, 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 Board on June 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 Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **681—Chapter 14**.

[Filed 6/10/26, effective 8/12/26]
[Published 7/8/26]
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ARC 0428D

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Adopted and Filed

Rulemaking related to fair information practices

The Iowa Department of Veterans Affairs hereby rescinds Chapter 6, "Fair Information Practices," and adopts new Chapter 2505 "Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 21 and 22; 2026 Iowa Acts, Senate File 2463; and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 21 and 22; 2026 Iowa Acts, Senate File 2463; and Executive Order 10.

Purpose and Summary

The Department reviewed the chapter in compliance 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 December 10, 2025, as **ARC 9839C**. A public hearing was held on the following date(s):

- January 5, 2026
- January 6, 2026

No comments were received at the public hearings.

Changes from the Notice have been made to rescind Chapter 6 and adopt a new Chapter 2505 in lieu thereof to comply with 2026 Iowa Acts, Senate File 2463.

Adoption of Rulemaking

This rulemaking was adopted by the Department 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 Department for a waiver of the discretionary provisions, if any, pursuant to 801—Chapter 1.

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 August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **801—Chapter 6**.

ITEM 2. Adopt the following **new** 801—Chapter 2505:

CHAPTER 2505
FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

801—2505.9(17A,22) Additional definitions. As used in this chapter:

"Client" means a person who has applied for or receives services or assistance from the agency.

"Custodian" means the agency or person lawfully delegated authority by the agency to act for the agency in implementing Iowa Code chapter 22. For all commission and department records, including the Iowa Veterans Home records, the custodian is the commandant.

"Record system" in these rules means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

801—2505.10(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 801—2505.9(17A,22). For each record system, this rule describes the legal authority for the collection of that information, describes the means of storage of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are as follows:

2505.10(1) Military graves registration. These records are collected under the authority of Iowa Code section 35A.5(8). They are maintained in hard copy by the agency, on Iowa Form 582-1002, CPE-94252. Requests for these records should be referred to the commandant.

2505.10(2) World War I, World War II, Korea, Vietnam veterans bonus. These records are collected under the authority of Iowa Code section 35A.5(4). They are maintained in hard copy by the agency. Requests for these records should be referred to the commandant.

2505.10(3) Iowa war orphans Act bonus applications. These listings are award applications and bonus payments from the war orphans educational fund and are collected in accordance with Iowa Code section 35A.5(4) and maintained in hard copy format. Requests for these records should be referred to the commandant.

2505.10(4) Iowa Korean War memorial fund. This listing consolidates contributions of all funds received for the Iowa Korean War Memorial authorized by the governor's directive of August 1986. These records are maintained in hard copy format. Requests for these records should be referred to the commandant.

2505.10(5) Reserved.

2505.10(6) DD Form 214, Notification of Separation from Service. This listing provides information to the state on individuals separating from active military service in the armed forces. It is used routinely to establish entitlement by the veteran to county, state and federal benefits, such as hospitalization and educational assistance. Request for verification of service should be addressed to the commandant.

2505.10(7) Iowa Veterans Home client case records. Iowa Veterans Home client records contain identifying information, demographic information, financial information, clinical assessment and care information and related documentation. Some of this information is maintained on microfilm. Automated data processing associated with Iowa Veterans Home client records include admission and discharge systems, billing systems, client banking systems, and selected client data systems. Requests for these records should be referred to the commandant. Legal authority for collection of this information and applicable determinations regarding confidentiality are found in Iowa Code section 22.7 and chapters 35D, 222, 228, and 229. Requests for information from these records should be referred to the commandant.

2505.10(8) Personnel files. The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11) and 22.7(18).

801—2505.11(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems defined in rule 801—2505.9(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information, as discussed in rule 7—2505.7(17A,22). In addition, the records may contain information about individuals.

2505.11(1) *Rulemaking.* Rulemaking records may contain information about individuals making written or oral comments or proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

2505.11(2) *Iowa commission of veterans affairs meeting records.* Agendas, minutes, and materials deliberated by the commission are available from the commandant. Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by personal identifier nor stored on an automated data processing system.

2505.11(3) *Publications.* News releases, literature, and reports regarding the commission, the department, or the Iowa Veterans Home, newsletters from various veterans associations or from the federal government are available from the commandant. Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency committees. This information is not retrieved by individual identifier and is not currently stored on an automated data processing system.

2505.11(4) *Other records.* All other records that are not exempted from disclosure by law are available from the commandant.

801—2505.12(17A,22) Data processing system. Data processing systems used by this agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another system.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.

2026 Iowa Acts, Senate File 2463, rescinded rules of numerous agencies relating to outdated Uniform Rules on Agency Procedure. Most rescissions were effective July 1, 2026. Section 4 of Senate File 2463 includes a list of all rescinded rules and effective dates. Rescinded rules will be editorially removed from the Iowa Administrative Code on the July 8, 2026, publication date, and subsequent publication dates until all rescinded content has been removed. Current Uniform Rules on Agency Procedure can be found in 7—Chapters 2500 through 2506 and corresponding rules adopted by agencies.

The text of all rescinded content can be found in the June 24, 2026, publication of the Iowa Administrative Code, available at the following link:

www.legis.iowa.gov/law/administrativeRules/agencies?pubDate=06-24-2026

State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER NINETEEN

WHEREAS, outdoor recreation is a major economic force in Iowa, contributing an estimated $5.9 billion to the state's gross domestic product in 2024, per the Bureau of Economic Analysis. This impact supports 47,807 jobs in the state.

WHEREAS, outdoor experiences – from cycling Iowa's 2,000+ miles of bike trail to paddling Iowa's river trails and fishing Iowa's lakes to camping in our state parks – are an integral part of Iowa's culture, economy and quality of life, and;

WHEREAS, tourism is a vital and growing industry in Iowa, contributing significantly to local economies across all 99 counties through job creation, small business growth and community investment; and

WHEREAS, Iowa's abundant natural resources, scenic landscapes and welcoming communities attract millions of visitors each year, fueling economic activity and strengthening the state's outdoor and tourism sectors alike; and

WHEREAS, public and private stakeholders, including local governments, nonprofit organizations, outfitters, manufacturers, guides, conservation groups and volunteer advocates are actively investing in outdoor recreation but lack a centralized structure to coordinate efforts, expand strategic partnerships and promote cohesive growth; and

WHEREAS, there is a clear and ongoing need for the State of Iowa to support, enhance and expand its outdoor recreation sector while ensuring the responsible stewardship of its natural landscapes for future generations.

NOW, THEREFORE, I, **Kimberly K. Reynolds**, Governor of the State of Iowa, by virtue of the power and authority vested in me by the Constitution and statues of the State of Iowa do hereby **ORDER** and **DIRECT** the following:

Establish the Iowa Office of Outdoor Recreation as an extension of the Iowa Tourism Office, a division of the Iowa Economic Development Authority.

MISSION

I. The Office of Outdoor Recreation shall:

1. Promote and expand outdoor recreation opportunities to elevate Iowa's image as a premier outdoor recreation and tourism destination, both regionally and nationally.
2. Coordinate and strengthen relationships among public agencies, private businesses and community partners engaged in outdoor recreation.
3. Collaborate with the Iowa Tourism Office to align marketing campaigns, branding initiatives and storytelling that highlight the state's outdoor assets and experiences.

4. Develop strategies to grow Iowa's outdoor recreation economy, enhance its tourism appeal and support workforce and business development in recreation-related industries.
5. Serve as a central point of contact for outdoor recreation initiatives and collaboration across federal, state and local agencies.

PURPOSE & DUTIES

I. The purpose and duties of the Office of Outdoor Recreation are:

1. Financing and Implementation
    a. Evolve and advance funding strategies.
    b. Fundraise to leverage and match state funds with private investments to expand the reach and sustainability of outdoor projects.
    c. Partner with rural development organizations to advance local and regional outdoor infrastructure.
    d. Further goals and initiatives of the Iowa DNR's Statewide Comprehensive Outdoor Recreation Plan (SCORP).
2. Education and Marketing
    a. Incorporate outdoor recreation as a central pillar in tourism marketing to enhance Iowa's competitiveness and visitor appeal.
    b. Market and promote outdoor recreation to Iowans as a key contributor to quality of life, community health and resident satisfaction.
3. Community Vision and Capacity Building
    a. Convene outdoor recreation organizations, local governments and stakeholders to ensure collaboration and shared strategy across infrastructure development efforts.
    b. Provide technical assistance and planning support to communities to assess feasibility and maximize local benefit.
    c. Foster partnerships between outdoor assets and nearby private businesses to strengthen economic and tourism outcomes.
    d. Build local capacity through outreach, training and resources that empower communities to develop recreation infrastructure.
4. Resilience and Wellbeing
    a. Integrate outdoor recreation into initiatives related to public health, community vitality, talent attraction and cultural enrichment.
    b. Promote recreation as a driver of resilience and wellbeing for individuals and communities across Iowa.
5. Innovation and Data Development
    a. Lead research and data collection efforts to measure the economic, social and health impacts of outdoor recreation in Iowa.
    b. Develop models and metrics to evaluate success of Iowa's outdoor recreation economy.
    c. Explore innovative strategies to integrate outdoor recreation into Iowa's broader economic development and sustainability vision.

ORGANIZATION & OPERATION

I. This Office shall be led by an *Office of Outdoor Recreation Manager*, appointed by the Iowa Economic Development Authority Director and reporting to the Iowa Tourism Office.

II. The Manager shall consider the advisory guidance included in the final report of the *Outdoor Recreation Task Force* and coordinate closely with the Iowa Department of Natural Resources, Iowa Department of Transportation, and other relevant entities to advance the goals of this office.

III. The Outdoor Recreation Task Force:

1. Shall consist of not more than 10 members, appointed by the Governor.
2. Membership shall reflect the diversity of Iowa's outdoor recreation stakeholders, including tourism leaders, conservation professionals, community representatives and private-sector partners.
3. The Governor shall designate one member to serve as Chair.
4. Task Force members shall serve at the pleasure of the Governor and without compensation.

IV. The Task Force shall submit a report to the Governor and the Office of Outdoor Recreation Manager within 120 days from issuance of this Executive Order, making recommendations to advance outdoor recreation in Iowa.

V. The work of the task force shall be done in a manner consistent with the laws and regulations of the State of Iowa, and the laws and regulations of the United States.

VI. All departments, agencies, boards, commissions, or other political subdivisions of the state and any local government shall fully cooperate with requests made by the task force. The task force may seek expertise and services of individuals and entities outside of its membership for research, advice, and other needs, as necessary or appropriate, to accomplish its mission.

VII. The task force shall expire upon submission of the final report to the Governor, unless extended in writing by the Governor.

INTERPRETATION

I. This Executive Order shall be interpreted in accordance with all applicable laws and regulations and shall not supersede any laws or regulations in place as of its effective date. If any provision of this Executive Order is found to be invalid, unenforceable, or otherwise contrary to applicable law, then the remaining provisions of this Executive Order, as applied to any person or circumstance, shall continue in full force and effect, and shall not be affected by such finding of invalidity or unenforceability.

II. This Executive Order does not create any right or benefit, substantive or procedural enforceable at law or in equity, by any party against the State of Iowa, its state agencies, or its officers, employees, agents, or any other persons.

III. This Executive Order shall take effect immediately and apply prospectively only as of its effective date.



IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS EIGHTH DAY OF JUNE IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-SIX

KIMBERLY K. REYNOLDS GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE