ARC 0785D

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to perinatal health care and smokefree air

The Department of Health and Human Services hereby amends Chapter 150, "Iowa Regionalized System of Perinatal Health Care," and Chapter 153, "Smokefree Air," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 135.11(22) and 142D.8(1).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 142D and section 135.11(22).

Purpose and Summary

During the 2024 Red Tape Review of Chapter 150, the reverification cycle for hospital level of care designation within the regionalized system of perinatal health care was changed from every three years to every six years. While the term was changed in subrule 150.5(3), the Department inadvertently did not make the corresponding change to the definition of "reverification" in rule 641—150.2(135). This rulemaking corrects that oversight.

During the 2023 Red Tape Review of Chapter 153, the Department deleted the definition of "retail tobacco store" because it was repeated verbatim from Iowa Code chapter 142D. With the definition of "retail tobacco store" deleted, the Department also deleted the definition of "incidental to the sale of tobacco products" because it contained the term "retail tobacco store." The Department's philosophy on Red Tape Reviews has evolved since 2023, and rather than delete a definition that is verbatim from the Iowa Code, the Department would now keep the definition and cite the corresponding Iowa Code section. This rulemaking restores the definition of "retail tobacco store," citing Iowa Code chapter 142D, and restores the definition of "incidental to the sale of tobacco products." Both definitions are critical to the Department's enforcement of the Smokefree Air Act outlined in Iowa Code chapter 142D.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0622D**. A public hearing was held on the following date(s):

- October 20, 2026

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 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.

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 January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Amend rule **641—150.2(135)**, definition of "Reverification," as follows:

"Reverification" means the process of periodic review, conducted at least every ~~three~~ six years, to certify that a hospital has maintained its designated level of care in accordance with criteria established under these rules for hospitals that are participating in the regionalized system of perinatal health care.

ITEM 2. Adopt the following **new** definitions of "Incidental to the sale of tobacco products" and "Retail tobacco store" in rule **641—153.1(142D)**:

"Incidental to the sale of tobacco products" means that the gross revenue of a retail tobacco store derived from the sale of products other than tobacco products is not more than 20 percent of the retail tobacco store's total gross revenue.

"Retail tobacco store" means the same as defined in Iowa Code chapter 142D.

[Filed 11/4/26, effective 1/1/27]
[Published 11/25/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.