ARC 9617C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to terminology—conforming changes

The Department of Health and Human Services hereby amends Chapter 7, "Immunization and Immunization Education: Persons Attending Elementary or Secondary Schools, Licensed Child Care Centers or Institutions of Higher Education," Chapter 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," Chapter 95, "Vital Records: General Administration," Chapter 97, "Death Registration and Disposition of Dead Human Bodies," Chapter 99, "Vital Records Modifications," Chapter 142, "Out-Of-Hospital Do-Not-Resuscitate Orders," and Chapter 154, "Medical Cannabidiol Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2025 Iowa Acts, Senate File 418.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 418.

Purpose and Summary

The purpose of this rulemaking is to amend Chapters 7, 37, 95, 97, 99, 142, and 154 to reflect 2025 Iowa Acts, Senate File 418.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9491C**. Public hearings were held on the following date:

- September 9, 2025

Public comments were received stating that the law did not require the word "sex" to be substituted for "gender." Additionally, in relation to Item 8, the commenter stated that there was nowhere in the legislation that requires striking the word designation before sex when talking about a sex designation.

After consideration, no changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on December 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **7.10(3)"b"** as follows:

b. ~~Gender~~ Sex of patient;

ITEM 2. Amend paragraph **37.27(2)"b"** as follows:

b. Licensees may not use information received from a criminal history records check obtained under these rules in a manner that would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States, nor shall licensees use the information in any way that would discriminate among individuals on the basis of race, religion, national origin, ~~gender~~ sex, or age.

ITEM 3. Amend paragraph **37.31(3)"b"** as follows:

b. If the recipient licensee verifies information such as name, date of birth, social security number, ~~gender~~ sex, and other applicable physical characteristics.

ITEM 4. Amend paragraph **95.15(4)"b"** as follows:

b. The name and ~~gender~~ sex of the baby, if known.

(1) If the name is not furnished by the patient, the department shall complete the certificate with the name "baby boy" or "baby girl" and the last name of the patient.

(2) If the ~~gender~~ sex is unknown, the department shall complete the certificate with the name "baby" and the last name of the patient.

ITEM 5. Amend subparagraph **97.15(2)"b"(1)** as follows:

(1) The full legal name and ~~gender~~ sex of the deceased at the time of the death;

ITEM 6. Rescind and reserve rule **641—99.20(144)**.

ITEM 7. Strike "gender" wherever it appears in **641—Chapter 142**, Appendix A, and insert "sex" in lieu thereof.

ITEM 8. Amend paragraph **154.3(3)"a"** as follows:

a. The patient's full legal name, Iowa residence address, date of birth, and sex ~~designation~~, as shown on the patient's valid photo identification. If the patient's information has changed since the issuance of the patient's valid photo identification, the patient shall first update the patient's valid identification to reflect the patient's current information.

ITEM 9. Amend paragraph **154.5(3)"a"** as follows:

a. The primary caregiver's full legal name, current residence address, date of birth, and sex ~~designation~~, as shown on the primary caregiver's valid photo identification. If the primary caregiver's information has changed since issuance of the primary caregiver's valid photo identification, the primary caregiver shall first update the primary caregiver's valid photo identification to reflect the primary caregiver's current information.

[Filed 9/24/25, effective 12/1/25]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.