IOWA ADMINISTRATIVE BULLETIN

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Pages 7901 to 8066 include **ARC 0222D** to **ARC 0250D**

PUBLISHED UNDER AUTHORITY OF IOWA CODE SECTIONS 2B.5 AND 17A.6

PREFACE

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

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

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

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

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CITATION of Administrative Rules

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

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

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

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

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

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

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, May 11, 2026, at 10 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

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Professional Licensing and Regulation Bureau[193]
Licensure, 2.1, 2.2(1) Filed **ARC 0232D** 4/29/26

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INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"
Functions and provisions of the child advocacy board, ch 1 Notice **ARC 0195D** 4/15/26
Rules and operation for the state board, rescind ch 2 Notice **ARC 0196D** 4/15/26
Local foster care review boards, rescind ch 3 Notice **ARC 0197D** 4/15/26
Court appointed special advocate program, rescind ch 4 Notice **ARC 0198D** 4/15/26

ECONOMIC DEVELOPMENT AUTHORITY[261]
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Main street Iowa program, ch 39 Filed **ARC 0204D** 4/15/26
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Endow Iowa tax credits, ch 47 Filed **ARC 0206D** 4/15/26

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
Iowa ethics and campaign disclosure board, ch 1 Filed **ARC 0233D** 4/29/26
Public records and fair information practices, rescind ch 2 Filed **ARC 0234D** 4/29/26
Campaign disclosure procedures, ch 4 Filed **ARC 0235D** 4/29/26
Use of public resources for a political purpose, ch 5 Filed **ARC 0236D** 4/29/26
Executive branch ethics, ch 6 Filed **ARC 0237D** 4/29/26
Personal financial disclosure, ch 7 Filed **ARC 0238D** 4/29/26
Executive branch lobbying, ch 8 Filed **ARC 0239D** 4/29/26
Complaint, investigation, and resolution procedures, ch 9 Filed **ARC 0240D** 4/29/26
Contested case procedures, rescind ch 11 Filed **ARC 0241D** 4/29/26
Declaratory orders, rescind ch 12 Filed **ARC 0242D** 4/29/26
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Waivers or variances from administrative rules, rescind ch 15 Filed **ARC 0245D** 4/29/26

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HUMAN SERVICES DEPARTMENT[441]
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Medicaid for employed people with disabilities program—premium amounts, 75.6(6)"b"(4) Notice **ARC 0229D** . . . 4/29/26
Family-life homes, ch 111 Notice **ARC 0194D** 4/15/26
Record check evaluations for certain employers and educational training programs, ch 119 Notice **ARC 0200D** 4/15/26
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INSPECTIONS AND APPEALS DEPARTMENT[481]
Fire control administration—adoption by reference of International Building Code, 280.8(2) Filed **ARC 0246D** 4/29/26
Dental assistants—practical training in lieu of registration, amendments to chs 570, 572 to 575, 577, 581 Filed **ARC 0247D** 4/29/26
Physicians, acupuncturists—special license and foreign-trained provisional license testing options, 653.4, 653.6, 656.3(1)"c"(2) Notice **ARC 0202D** 4/15/26
Behavioral health professionals—counseling compact, social work licensure compact, background checks, amendments to ch 880 Notice **ARC 0231D** 4/29/26
Funeral directors, funeral establishments, and cremation establishments—practice, licensure, amendments to chs 900, 901 Notice **ARC 0201D** 4/15/26

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DNA database, ch 156 Notice **ARC 0225D** 4/29/26
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Retail sales of pseudoephedrine, ch 174 Notice **ARC 0227D** 4/29/26

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Tourist-oriented directional signing—business eligibility, "closed" panels, amendments to ch 119 Filed **ARC 0208D** . 4/15/26
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Speed zoning on primary highways, rescind ch 142 Filed **ARC 0211D** 4/15/26
Traffic signal coordination, ch 143 Filed **ARC 0212D** 4/15/26
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Traffic safety improvement program, ch 164 Filed **ARC 0214D** 4/15/26
License suspension—use of electronic communication device while driving, 615.5, 615.6 Filed **ARC 0215D** 4/15/26
Items of general application for railroads, ch 800 Filed **ARC 0216D** 4/15/26
Railroad safety standards, ch 810 Filed **ARC 0217D** 4/15/26
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Injured veterans grant program, ch 11 Notice **ARC 0193D** 4/15/26
Vietnam conflict veterans bonus, rescind ch 13 Filed **ARC 0249D** 4/29/26
Limited residency Vietnam conflict veterans bonus, rescind ch 16 Filed **ARC 0250D** 4/29/26

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Kara Warme
Chair
Senate District 26

Senator Mike Bousselot
Senate District 21

Senator Dan Dawson
Senate District 10

Senator Janet Petersen
Senate District 18

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

ADMINISTRATIVE RULES COORDINATOR[7]
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Building Resilient Infrastructure and Communities (BRIC) 2024 and 2025

AGENCY	PROGRAM	ELIGIBLE APPLICANTS	TYPES OF PROJECTS
Iowa Homeland Security and Emergency Management Department (HSEMD)	Building Resilient Infrastructure and Communities (BRIC) Grant for FY 2024 and 2025 Authorized by §203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 U.S.C. 5133, as implemented by the Hazard Mitigation Assistance: BRIC. This combined (FY 2024 and 2025) funding cycle provides approximately $1 billion in federal funds to support proactive, infrastructure-focused hazard mitigation aimed at modernizing the nation's infrastructure against natural hazard risks and climate change.	● State agencies and local governments. ● Federally recognized Indian Tribal governments, to include state-recognized Indian Tribes, and Authorized Tribal Organizations. ● Private nonprofit organizations are not eligible to apply as subapplicants; however, they may request a local government to submit an application for their proposed activity on their behalf. ● All applicants must be participating in the NFIP if they have been identified as having a Special Flood Hazard Area. The community must not be on probation, suspended or withdrawn from the NFIP. ● All applicants for a project grant MUST have a FEMA-approved local hazard mitigation plan. To learn more about the BRIC program, use the following link on FEMA's website: www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities Applicants must complete an application through FEMA's Grants Outcomes System (FEMA GO). **Applications must be submitted for State review via EM Grants Pro by July 15, 2026.** To learn more about the FEMA GO system, use the following link: go.fema.gov **For additional information, please contact:** **Mat Noble, 515.321.8528** **Steve Oberbroeckling, 515.305.1128** **Iowa Homeland Security and Emergency Management Department** **7900 Hickman Road, Suite 500** **Windsor Heights, Iowa 50324** **FEMA TECHNICAL ASSISTANCE HELPDESK:** Phone: 877.611.4700 (toll free) Email: femago@fema.dhs.gov bchelpline@fema.dhs.gov	Projects must be cost-effective and consistent with the goals identified in Iowa's State Hazard Mitigation Plan and the relevant local mitigation plan. The BRIC Grant prioritizes projects that deliver immediate, measurable risk reduction to vulnerable communities. Eligible activities include: ● Capability- and Capacity-Building (C&CB): Activities supporting infrastructure resilience (e.g., project scoping, building code adoption). Note: A FEMA-approved Local Hazard Mitigation Plan is not required for C&CB subgrants. ● Hazard Mitigation Projects: Infrastructure and construction projects designed to increase public safety and reduce damage to property and critical services. ● Acquisition or Structural Relocation: Permanent removal of structures from high-risk areas. ● Building Code Activities: Adoption and enforcement of the 2021 or 2024 IBC/IRC. ● Management Costs: Subapplicants may apply for up to 5% of the total budget for management costs. ● Detailed guidance can be found in the HMA Program and Policy Guide. ● For the full Notice of Funding Opportunity (NOFO), visit grants.gov: DHS-25-MT-047-00-98.

RA 26-55

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 166
"Quality Improvement Initiative Grants"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 249A.4
State or federal law(s) implemented by the rulemaking: Iowa Code section 249A.57

Public Hearing

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

May 19, 2026 10 a.m.	Microsoft Teams Meeting ID: 255 692 208 678 60 Passcode: vo97fF7g

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

These proposed rules define and structure grants to be funded from collected civil money penalties from nursing facilities that do not comply with the requirements of the federal Social Security Act, section 1919, as codified in 42 U.S.C. §1396r. The grant funds are available for activities that protect or improve the quality of care and quality of life for residents of a nursing facility. This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the Department's review, the Department eliminated restrictive terms and updated dates certain.

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 beyond the civil monetary penalties that are authorized by the underlying statute.
- **Classes of persons that will benefit from the proposed rulemaking:**

Individuals on medical assistance who reside in nursing facilities will benefit from the quality improvement initiatives enabled by the grants described in this proposed rulemaking.

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

Since 2012, over 40 grants for quality improvement projects have been awarded totaling approximately $6.6 million. The money comes entirely from the civil monetary penalties collected under Iowa Code section 249A.57.

- **Qualitative description of impact:**

Individuals on medical assistance who reside in nursing facilities will benefit from the quality improvement initiatives enabled by the grants described in this proposed rulemaking.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs to implement this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no effect on State revenues.

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

Rulemaking is appropriate to describe the process to apply for grants and the qualifications to receive the grants.

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

Rulemaking is required by law and appropriate.

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

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 166 and adopt the following **new** chapter in lieu thereof:

CHAPTER 166
QUALITY IMPROVEMENT INITIATIVE GRANTS

441—166.1(249A) Definitions.

"Eligible entities" means certified long-term care facilities, professional or state nursing home associations, state agencies, consumer and nursing facility advocacy organizations, resident and family councils, and private applicants.

"Nursing facility" means a Medicaid-enrolled facility that is defined in rule 441—81.1(249A) as "facility."

"Quality improvement initiative" or *"initiative"* means a project or training in accordance with provisions of 42 CFR 488.433 as amended to August 1, 2026, that directly or indirectly supports and benefits the quality of care and quality of life of nursing facility residents.

441—166.2(249A) Availability of grants. The department will set aside an annual amount from the civil money penalty fund established pursuant to Iowa Code section 249A.57 to be awarded in the form of emergency reserve fund grants to eligible entities for approved support and protection of residents of a facility that closes (voluntarily or involuntarily). At no time shall the grant set-aside cause the civil money penalty emergency reserve fund to drop below $1 million.

166.2(1) In any calendar year in which sufficient funds are available in the civil money penalty fund to support quality improvement initiative grants, the department may issue a notice for applications for grants.

166.2(2) There is no entitlement to any funds available for grants awarded pursuant to this chapter. The department may award grants to the extent funds are available and, within its discretion, to the extent that applications are approved.

166.2(3) The project plan as described in rule 441—166.4(249A) and allocation of funds shall be in compliance with state and federal laws and approved by the Centers for Medicare and Medicaid Services (CMS).

166.2(4) Emergency reserve fund grants are available for purposes of:

a. Time-limited expenses incurred in the process of relocating residents when a facility closes (voluntarily or involuntarily) or downsizes pursuant to an agreement with the department, and

b. Development and maintenance of temporary management or receivership capability.

441—166.3(249A) Grant eligibility. Grants are available for quality improvement initiatives that are outside the scope of normal operations for the nursing facility or other applicants. Grants cannot be used as replacement funding for goods or services that the applicant already offers.

166.3(1) Grants may be awarded for:

a. Short-term quality improvement initiatives (three years or less), and

b. Situations eligible for emergency reserve funds.

166.3(2) The department will comply with CMS guidance on civil money penalty uses.

441—166.4(249A) Grant application process and selection of proposals. The department will announce through a request for proposals the opening of an application period. The request will state the purpose for which grant funds may be sought. Applicants shall submit their grant proposals by the deadline specified in the announcement.

166.4(1) All proposals completed as directed and submitted within the time frames allowed will be evaluated by the grant review committee to determine which applicants' project plans will be submitted for CMS approval.

166.4(2) The department will submit the project plan for each grant the department intends to award, along with any required documentation, to CMS to seek approval or denial of the proposed project. All activities and plans for utilizing civil money penalty funds must be approved in advance by CMS.

441—166.5(249A) Project contracts. Grants for approved applicant project plans will be awarded through a contract entered into by the department and the applicant. The contract period will not exceed the time frames allowed by state and federal laws. The department will reimburse expenditures pursuant to contract terms and the regular reimbursement procedures of the state of Iowa.

These rules are intended to implement Iowa Code section 249A.57.

RA 26-60

NATURAL RESOURCE COMMISSION[571]

Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 51
"Game Management Areas"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.6 and 455A.5(6)"a"

State or federal law(s) implemented by the rulemaking: Iowa Code sections 456A.24(2)"a," 481A.6 and 481A.39

Public Hearing

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

May 19, 2026 1 to 2 p.m.	6200 Park Avenue, Second Floor 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 515.326.0430 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 chris.ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.326.0430 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 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.

Purpose and Summary

Chapter 51 designates State-owned lands and waters under the jurisdiction of the Natural Resource Commission (Commission) as game management areas (GMAs). This designation helps effect sound wildlife management and preserve biological balance, both of which are required by law. To that end, Chapter 51 contains the allowable uses of GMAs. These use restrictions are established to protect the primary purpose of GMAs, which is to create and protect fish and wildlife habitat and to promote fish- and wildlife-based recreation.

The proposed rulemaking defines "trail camera" and prohibits the use of trail cameras on GMAs, except when specifically authorized by permit or when used directly by the 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.

Analysis of Impact

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

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

Not applicable. There are no associated compliance costs since the proposed amendments only restrict the use of a particular piece of equipment. The only costs generated by the rules are related to education and enforcement, and those will be borne by the Department.

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

Citizens of Iowa and users of GMAs will benefit. All of Chapter 51's use restrictions are established to protect the primary purpose of GMAs, which is to create and protect fish and wildlife habitat and promote fish- and wildlife-based recreation. Protecting and enhancing the State's natural resources ensures the health and abundance of Iowa's natural heritage, which underpins substantial economic activity.

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 does not have a direct economic impact or cost. However, all of Chapter 51's use restrictions exist to further the Department's wildlife management objectives. The careful stewardship of Iowa's natural resources supports the State's overall economy.

- **Qualitative description of impact:**

This proposed rulemaking does not impose any financial burdens on the public.

3. **Costs to the State:**

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

The Department currently manages GMAs and enforces these rules. It also provides assistance to users in understanding and complying with the rules. None of these services will change because of these proposed amendments.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

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

The public does not have any costs to comply with this proposed rulemaking. It is simply proposing to limit the use of a certain device on GMAs.

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

There are no costs associated with this proposed 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?

This proposed rulemaking will not have an impact on small business.

Text of Proposed Rulemaking

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.

RA 26-56

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Regulatory Analysis

Notice of Intended Action to be published: 817—Chapter 1
"Organization and Operation"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15H
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 15H

Public Hearing

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

May 19, 2026 10 a.m.	Microsoft Teams Meeting ID: 255 692 208 678 60 Passcode: vo97fF7g

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 (Department) 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 describes the organization and operation of the Iowa Commission on Volunteer Service (Commission), including the offices where and the means by which any interested person may obtain information or make requests.

This proposed chapter was reviewed pursuant to Executive Order 10. As a result, the Department deleted redundant language and eliminated restrictive terms.

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:**

Members of, and individuals seeking information on, the Commission will benefit from the structure outlined in this proposed rulemaking.

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

- **Quantitative description of impact:**

This proposed chapter has no quantitative impact.

- **Qualitative description of impact:**

Members of, and individuals seeking information on, the Commission will benefit from the structure outlined in this proposed rulemaking.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with this proposed chapter. The Commission reimburses the Department for all personnel and other administrative costs.

- **Anticipated effect on State revenues:**

This proposed chapter has no impact on State revenues.

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

The information in this proposed chapter is in addition to what may be obtained from the Commission's website.

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

Rulemaking is an appropriate way to set forth the information in this proposed chapter.

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

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 817—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND OPERATION

817—1.1(15H) Organization and operation of the commission.

1.1(1) *Location.* The commission is located at 321 East 12th Street, Des Moines, Iowa 50319. The telephone number is 1.800.308.5987. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law.

1.1(2) *The commission.* The commission consists of 15 to 25 voting members pursuant to Iowa Code section 15H.3.

1.1(3) *Meetings.* The commission shall meet at regular intervals at least four times annually. Additional meetings may be called at the discretion of the chairperson. All meetings are open to the public in accordance with Iowa Code chapter 21.

a. *Chairperson.* The chairperson of the commission presides at each meeting. Members of the public may be recognized at the discretion of the chairperson.

b. *Public notice.* The commission will give advance public notice of the time and place of each commission meeting in accordance with Iowa Code section 21.4.

c. *Quorum.* A quorum consists of half of the current voting members of the commission plus one. When a quorum is present, a position is carried by an affirmative vote of the majority of commission members eligible to vote. A commissioner is eligible to vote in person or by telephone.

d. *Termination.* Any commissioner who does not attend three or more consecutive regular meetings or who attends less than one-half of the regular meetings within a 12-month period will be considered to have resigned from the commission.

e. *Resignations.* A commissioner wishing to resign may do so by submitting a letter of resignation to the governor and sending a copy to the commission chairperson.

f. *Public presentations.* A specific time is set aside at each meeting for the public to address the board. As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. To address the board, individuals are encouraged to notify the commission staff at least 72 hours in advance of the meeting.

1.1(4) *Minutes.* The minutes of all commission meetings will be recorded and kept in the commission office.

1.1(5) *Records.* The records of all of the business transacted and other information with respect to the operation of the commission are public records and will be kept on file in the commission office. All records, except statements specified as confidential under these rules, are available for inspection during regular business hours. Copies of records may be obtained in accordance with Iowa Code chapter 22.

1.1(6) *Submission and requests.* Inquiries, submissions, petitions, and other requests directed to the commission shall be made by letter addressed to the executive director at the address listed in subrule 1.1(1). Any person may petition for a written or oral hearing before the commission. All requests for a hearing must be in writing and state the specific subject to be discussed and the reasons why a personal appearance is necessary if one is requested.

1.1(7) *Committees.* The chairperson may establish committees, including an executive committee that may conduct commission business as necessary between scheduled meetings. The chairperson may appoint commissioners and noncommissioners to serve on the committees. Noncommissioners shall not serve on the executive committee.

This rule is intended to implement Iowa Code chapter 15H.

RA 26-57

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Regulatory Analysis

Notice of Intended Action to be published: 817—Chapters 8 through 12
"Iowa Commission on Volunteer Service Chapter Rescissions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15H
State or federal law(s) implemented by the rulemaking: Executive Order 10

Public Hearing

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

May 19, 2026 10 a.m.	Microsoft Teams Meeting ID: 255 692 208 678 60 Passcode: vo97fF7g

Public Comment

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

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

Purpose and Summary

This proposed rulemaking is the result of the Red Tape Review process outlined in Executive Order 10. As a result of the review, the Iowa Commission on Volunteer Service (Commission) determined that the content of Chapter 8, for which there was no explicit rulemaking authority, was better suited for policy due to its procedural nature. In addition, the content of Chapters 9 through 12 was combined with 817—Chapter 14 to create a unified chapter on all National Service Corps projects. That proposed rulemaking is also published herein (**RA 26-59**, IAB 4/29/26).

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.
- **Classes of persons that will benefit from the proposed rulemaking:**

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

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

Five Iowa Administrative Code chapters are proposed to be rescinded.
- **Qualitative description of impact:**

Rule content has been condensed and combined for efficiency.

3. **Costs to the State:**

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

There are no costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no effect on State revenues.

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

If this proposed rulemaking were not to occur, one chapter for which there is no rulemaking authority and four chapters that have duplicative content would continue to exist.

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

Chapter rescissions are appropriate.

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

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

The Commission could have retained all five of the impacted chapters.

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

This proposed rulemaking promotes the intent of Executive Order 10.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **817—Chapter 8**.

ITEM 2. Rescind and reserve **817—Chapter 9**.

ITEM 3. Rescind and reserve **817—Chapter 10**.

ITEM 4. Rescind and reserve **817—Chapter 11**.

ITEM 5. Rescind and reserve **817—Chapter 12**.

RA 26-58

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Regulatory Analysis

Notice of Intended Action to be published: 817—Chapter 13
"Future Ready Iowa Volunteer Mentor Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15H.10
State or federal law(s) implemented by the rulemaking: Iowa Code section 15H.10

Public Hearing

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

May 19, 2026 10 a.m.	Microsoft Teams Meeting ID: 255 692 208 678 60 Passcode: vo97fF7g

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 (Department) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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

Purpose and Summary

The purpose of the Future Ready Iowa Volunteer Mentor Program is to match volunteer mentors with student mentees and to support implementation of the Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program and the Future Ready Iowa Skilled Workforce Grant Program described in Iowa Code sections 256.228 and 256.229, respectively. The Future Ready Iowa Volunteer Mentor Program is an optional program for recipients of these scholarships and grants and is designed to provide mentors to help recipients increase success in school and make meaningful career connections. The Iowa Commission on Volunteer Service (Commission) manages this statewide program by partnering with employers, local high schools, nonprofits, local eligible institutions of higher education and others to develop mentoring cohorts.

This proposed chapter underwent a Red Tape Review in accordance with Executive Order 10. As a result of the review, redundant information was eliminated and outdated cross-references were updated.

Analysis of Impact

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

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

There are no costs associated with this proposed rulemaking.

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

Individuals who would like to be Future Ready Iowa volunteer mentors, should the program be funded, will benefit from this proposed rulemaking.

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

- **Quantitative description of impact:**

Quantitative data on this program is not available at this time.

- **Qualitative description of impact:**

Should the program be funded in the future, this proposed chapter will provide guidance to interested individuals.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with this proposed rulemaking. The Commission reimburses the Department for all personnel and other administrative costs.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

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

Rulemaking is required by Iowa Code section 15H.10.

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 is required by Iowa Code section 15H.10.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 817—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
FUTURE READY IOWA VOLUNTEER MENTOR PROGRAM

817—13.1(15H) Definitions.

"Eligible institution" means the same as defined in Iowa Code section 256.228.

"Grant program" means the future ready Iowa skilled workforce grant program as described in Iowa Code section 256.229.

"Last-dollar scholarship" means the future ready Iowa skilled workforce last-dollar scholarship program as described in Iowa Code section 256.228.

"Program" means the future ready Iowa volunteer mentor program as described in Iowa Code section 15H.10.

"Student mentee" means a student who has elected to participate in the program, has agreed to program expectations, and has been matched with a volunteer mentor through the program. Student mentees must meet the criteria in Iowa Code sections 256.228 and 256.229.

"Volunteer mentor" means an adult who has applied to be a mentor, has met the screening guidelines, has attended mentor training, has committed to meeting with the mentee according to program guidelines, and has been matched with a mentee in the program.

817—13.2(15H) Program standards, guidelines, and expectations. The commission will maintain on its website standards, guidelines, and expectations for a productive and appropriate relationship between volunteer mentors and student mentees. Standards, guidelines, and expectations are aimed at helping students meet the last-dollar scholarship or grant program requirements, identify work-based learning opportunities, and make career-related connections that are advantageous to participants in the program through a healthy mentor-mentee relationship. Failure to adhere to the program standards may result in ineligibility to participate in the program. To the extent possible, volunteer mentors and student mentees will be matched based on sex, career aspirations, geography and mentor-to-mentee ratio.

817—13.3(15H) Mentor/mentee agreement. All volunteer mentors and student mentees matched with a volunteer mentor must complete and sign a written agreement issued by the commission as part of the program enrollment process. This does not include students receiving texting services only. Agreements will include expectations on regular communication, appropriate conduct, utilization of the online platform and participation in any training or resources offered to improve the efficacy of the mentor-mentee relationship. Failure by either party to adhere to the agreement may result in dismissal from the program.

817—13.4(15H) Mentor request and application process.

13.4(1) *Mentor request process.* Students may request a volunteer mentor through the commission's website or partner agencies, including through referrals from high schools and eligible institutions. Eligible institutions must collaborate in the facilitation of this subrule by providing information on the mentor request process to all students who meet the criteria of Iowa Code sections 256.228 and 256.229. The college student aid commission may enroll eligible students into the texting services whenever possible to facilitate overall student success and communication about career mentoring opportunities. Students may opt to not participate in the program.

13.4(2) *Mentor application process.* Prospective mentors may apply to be a volunteer mentor through the commission's website or through high schools, eligible institutions, or partner agencies or employers. These partner agencies may also enlist employers and other partners to help make direct mentoring connections with local mentoring cohorts. Prospective mentors must complete an application, consent to an Iowa division of criminal investigation criminal background check, attend orientation training and agree to the minimum commitment and guidelines outlined in the mentor/mentee agreement.

817—13.5(15H) Subrecipient award process. If the commission deems it necessary, the commission may seek subrecipients to carry out components of the program through the commission's regular grant program application processes. The commission may also work with partner state agencies to assist in the administration of this chapter.

These rules are intended to implement Iowa Code section 15H.10.

RA 26-59

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Regulatory Analysis

Notice of Intended Action to be published: 817—Chapter 14
"Iowa National Service Corps Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15H
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 15H

Public Hearing

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

May 19, 2026 10 a.m.	Microsoft Teams Meeting ID: 255 692 208 678 60 Passcode: vo97fF7g

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 (Department) 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 and the other chapters under the purview of the Iowa Commission on Volunteer Service (Commission) underwent a Red Tape Review pursuant to Executive Order 10. As part of this review, the Commission took the opportunity to combine related chapters into this one overarching chapter describing national service programs. 817—Chapters 9 through 12 have been incorporated into Chapter 14. 817—Chapters 9 through 12 will concurrently be rescinded (**RA 26-57**, IAB 4/29/26).

The Commission certifies national service programs that meet the standards established in Iowa Code section 15H.9. The Commission also provides training, resources, and support services to Iowa National Service Corps programs.

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:**

Organizations and individuals interested in projects through the Iowa National Service Corps program will benefit from streamlined rules describing several different programs and grant opportunities in one chapter.

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

- **Quantitative description of impact:**

There is no quantitative impact associated with this proposed rulemaking; no programs would be impacted.

- **Qualitative description of impact:**

Five chapters have been combined into one streamlined chapter. Eligibility requirements have not changed.

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 staffing the Commission. The Commission reimburses the Department for all personnel and other administrative costs.

- **Anticipated effect on State revenues:**

This proposed chapter has no impact on State revenues.

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

Rulemaking is required by Iowa Code chapter 15H.

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 chapter has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 817—Chapter 14 and adopt the following **new** chapter in lieu thereof:

CHAPTER 14
IOWA NATIONAL SERVICE CORPS PROGRAM

817—14.1(15H) Definitions. For purposes of this chapter, unless the context otherwise requires:

"Approval" means the process for identifying service programs as meeting the criteria to become eligible for Iowa national service corps program benefits and technical assistance.

"Commission" means the Iowa commission on volunteer service.

"Host site" means the physical location where an Iowa national service corps member is based for the period of service in the Iowa national service corps program. The sponsoring organization may be the host site.

"Iowa national service corps approval application" means the application used to determine an applicant's designation as an approved Iowa national service program. The application contains information that can be used to determine an applicant's designation as an approved Iowa national service corps program.

"Iowa national service corps member" or *"corps member"* means a participant in an approved Iowa national service corps program.

"Iowa national service corps program" or *"national service corps program"* means a program that provides meaningful service opportunities to individuals, provided that the program meets the following requirements:

1. The program is approved via the automatic approval, reciprocal approval, or regular approval process.
2. The program is located in this state or has sites operating in the state.
3. The program is operated by one of the following entities: a state agency; a political subdivision of the state; or a private, nonprofit organization. State agencies or political subdivisions of the state may establish Iowa national service corps programs or contract with a third-party vendor to assist the agency or political subdivision in establishing such programs.
4. The program is developed to meet state and local needs and to provide more opportunities for Iowans to serve their state and country and foster a cultural expectation of service in Iowa through a unified service corps.

"Sponsoring organization" means the entity operating the Iowa national service corps program that is responsible for submitting the Iowa national service corps approval application and meeting requirements for approved programs.

817—14.2(15H) Approval. Before a national service corps program can access the benefits of the Iowa national service corps, it must be approved by the commission.

14.2(1) *Automatic approval.* Existing programs and service positions in the following categories are automatically approved:

a. AmeriCorps programs in Iowa created pursuant to 42 U.S.C. §12501,

b. Senior Corps and AmeriCorps VISTA in Iowa created pursuant to 42 U.S.C. §4950 et seq.,

c. The Iowa summer youth corps program created pursuant to Iowa Code section 15H.5,

d. The Iowa green corps program created pursuant to Iowa Code section 15H.6,

e. The Iowa reading corps program created pursuant to Iowa Code section 15H.7, and

f. The RefugeeRISE AmeriCorps program created pursuant to Iowa Code section 15H.8.

14.2(2) *Reciprocal approval.* Existing programs and service positions recognized by another service year certifying body may request reciprocal approval by following the process outlined on the commission's website.

14.2(3) *Regular approval.* All other entities seeking approval for their service programs or positions should follow the regular approval process by completing an Iowa national service corps approval application.

a. Applications for national service corps program approval are available from the commission's website.

b. A review team designated by the commission will review applications from national service corps programs to determine whether the national service corps programs or positions are eligible to participate in the program.

c. Applicants will receive written notification of the commission's decision. Written notification will also be provided regarding the due dates and process for submission of program reports.

d. Full approval means the commission has determined that the national service corps program has met the established standards.

e. Conditional approval means the commission has temporarily approved the national service corps program before the program becomes fully operational or before the program has met the standards for full approval.

f. Any program that is denied approval or decertified for any reason bears the burden of proving that all deficiencies previously cited have been corrected. Corrections shall be in accordance with the requirements of the commission.

14.2(4) *Documentation.* Additional documentation may be required to verify elements of the application. Documentation verifying a program's compliance with approval standards may be required by the commission during the approval process. Each program shall provide relevant information upon the commission's request in order to be considered for approval. National service corps programs may be requested to provide documentation of continued eligibility at any time during and after approval.

14.2(5) *Duration of approval.*

a. Automatic approval will be in effect as long as the program is recognized as one of the automatically approved programs listed in subrule 14.2(1).

b. Reciprocal approval will be in effect as long as the program is recognized by the other certifying body.

c. Regular approval.

(1) Full approval may be in effect for three years as long as the program continues to meet the approval standards.

(2) Conditional approval may be in effect for six months and may be used for the purpose of applying for program benefits and technical assistance available to approved national service corps programs. The commission may grant an extension of conditional approval if it is determined that significant progress is being made toward meeting the requirements for full approval. It shall be the responsibility of the national service corps program to notify the commission when the program believes it has met the full approval criteria.

(3) A national service corps program may renew its approval. Programs whose full approval has expired should reapply using the application form available on the commission's website.

817—14.3(15H) Approval standards. The commission has established standards to certify national service corps programs. These standards are based on a combination of factors established by the Corporation for National and Community Service, the Service Year Alliance, and the existing rules for:

1. The Iowa summer youth corps program created pursuant to Iowa Code section 15H.5,
2. The Iowa green corps program created pursuant to Iowa Code section 15H.6,
3. The Iowa reading corps program created pursuant to Iowa Code section 15H.7, and
4. The RefugeeRISE AmeriCorps program created pursuant to Iowa Code section 15H.8.

14.3(1) *Program design.* The national service corps program should have a program design defining the impact the program will have on the community, sponsor organization, and service corps members. The program design must identify how the national service program will address a state or local need and how the program will promote a sense of civic engagement in program participants.

14.3(2) *Corps member position description.* The national service corps program shall have written descriptions or plans for high-quality service activities. National service corps member activities must be clearly delineated from those of employees of the sponsoring organization and host site.

14.3(3) *Orientation.* The national service corps program shall have an orientation for national service corps members, including clarification on how the member service activities differ from employee responsibilities.

14.3(4) *Eligibility.* The national service corps program shall have eligibility screening for national service corps members commensurate to the service activities to be conducted and the population to be served. National service corps programs shall set and meet minimum requirements for checking the criminal history of national service corps member applicants and considering the following results when selecting corps members:

a. Criminal background and sex offender registry checks for corps members over the age of 18.

b. Reference checks for corps members under the age of 18.

14.3(5) *Training and professional development.* The national service corps program shall provide ongoing training and professional development to the national service corps members.

14.3(6) *Member supervision.* The national service corps program shall demonstrate the ability to effectively supervise the national service corps members.

14.3(7) *Certification of member service.* Upon successful completion of the term of service by the Iowa national service corps member, the sponsor organization shall issue a certification of service letter to the corps member. The letter should include, at a minimum, the name of the corps member, whether the corps member served in a full-time capacity or less than full-time capacity, the dates of service (if the corps member served in a full-time capacity) or the hours of service (if the corps member served in a less than full-time capacity), the name of the sponsor organization, and a contact person at the sponsor organization.

14.3(8) *Compliance process.* The national service corps program shall have a process for ensuring compliance with program standards.

14.3(9) *Program impact.* The national service corps program should have a method for tracking progress toward the established goals of the program.

14.3(10) *Organizational capacity.* The sponsoring organization shall have an established history and demonstrate the staff capacity and experience to effectively oversee the national service corps program.

14.3(11) *Financial capacity, cost effectiveness and budget adequacy.* The sponsoring organization should demonstrate the financial capacity to administer the national service corps program, including any living allowances or stipends provided to national service corps members. The national service corps program budget should be sufficient to provide the national service corps member(s) with the tools needed to be effective in the assigned tasks.

14.3(12) *Risk management.* The national service corps program should practice appropriate risk management strategies for the approved national service corps positions.

817—14.4(15H) Application process.

14.4(1) *Sponsor organization approval process.* Eligible organizations may request approval using the application materials available through the commission's website.

14.4(2) *Iowa national service corps member process.* Prospective national service corps members should apply directly to an approved Iowa national service corps program. Prospective corps members must meet the approved program's eligibility requirements and agree to the program standards.

14.4(3) *Applications.* Appropriate forms and applications for grants and eligibility preapproval are available from the commission's website.

817—14.5(15H) Special consideration. In addition to the standards set forth in rule 817—14.3(15H), the commission may consider other factors to determine approval status to ensure that only high-quality national service corps programs are approved.

14.5(1) *On-site audits.* At the discretion of the commission, on-site audits may be conducted to determine approval.

14.5(2) *Reporting.* Programs that fail to submit required documentation are at risk of decertification and may be deemed ineligible to receive the benefits of approval, including complimentary training registration and inclusion on the commission's website.

817—14.6(15H) Decertification. A national service corps program will be decertified by the commission if it is determined that the program no longer meets the approval standards identified herein for a high-quality national service corps program if program personnel cannot be contacted by the commission, if the program fails to provide documents requested by the commission or if the program fails to complete any required Iowa national service corps annual report.

14.6(1) Written notice of the intent to revoke approval will be provided to a national service corps program when the commission determines that there is reasonable cause to believe the program does not comply with these rules. Notice will be sent at least 30 days before decertification becomes effective.

14.6(2) Decertification procedures may be initiated by the commission, by the program, or following investigation of a complaint filed by the general public. A request for an investigation from the public must be in written form and shall specify the reason(s) why the approved national service corps program no longer meets the approval standards. Supporting documentation may be attached to the request. The identity of the complainant is confidential pursuant to Iowa Code section 22.7(18).

14.6(3) Benefits and designation as an approved national service corps program will continue until the final decision is issued by the commission.

817—14.7(15H) Fraudulent practices in connection with approved national service corps programs. A person is considered to be guilty of a fraudulent practice if the person knowingly falsifies information on an application for the purpose of obtaining approval and any other potential benefits, including those offered through the commission or other state contracts and grants available only to approved national service corps programs. The commission may investigate allegations or complaints of fraudulent practices and will take action to decertify a national service corps program upon concluding that a violation has occurred. A violation under this rule is grounds for decertification of the national service corps program responsible for the violation. Decertification will be in addition to any penalty otherwise authorized.

817—14.8(15H) Appeal procedure. Commission decisions regarding approved national service corps programs may be contested by an adversely affected party as detailed in 817—Chapter 5.

817—14.9(15H) Intergovernmental agreements. Approved Iowa national service corps programs are considered governmental entities in accordance with rule 11—118.4(8A). As such, state agencies or political subdivisions of the state may enter into an agreement for services with any approved Iowa national service corps program directly or through an agreement with the commission and are not required to use competitive selection.

817—14.10(15H) Program administration. State agencies or political subdivisions of the state may establish Iowa national service corps programs or contract with a third-party vendor to assist the agency or political subdivision in establishing such programs. In the case that a vendor is utilized, the program is still considered a governmental entity for the purposes of intergovernmental agreements pursuant to rule 11—118.4(8A).

817—14.11(15H) Funding priority. State agencies or political subdivisions of the state may give priority to grants or projects funded that utilize Iowa national service corps programs.

817—14.12(15H) Hiring preferences.

14.12(1) State agencies or political subdivisions of the state may establish hiring preferences for any Iowa national service corps or AmeriCorps participant who has successfully completed a year of full-time service or 1,700 hours over a period extending beyond a year.

14.12(2) Iowa national service corps members may request a letter verifying their eligibility for a hiring preference from the program in which they served or agencies may independently verify upon application.

817—14.13(15H) Participant employment status. A person participating in the Iowa national service corps program is not an employee of the organization in which the person is enrolled regardless of whether a stipend is provided; shall be exempt from the merit system requirements of Iowa Code chapter 8A, subchapter IV; and is not eligible to receive unemployment compensation benefits under Iowa Code chapter 96 upon completion of service.

817—14.14(15H) Information specific to the Iowa summer youth corps program.

14.14(1) *Incentives.* Incentives will be determined by federal funding guidelines or restrictions, depending on the source of funds utilized for the Iowa summer youth corps in a given grant year. Types of incentives may include:

a. Education awards that may be used to further educational attainment and that may be earned upon completion of a defined number of hours;

b. Living allowances that are not considered wages but are paid evenly over the course of a service period; or

c. Wages that are based upon the hours worked.

Types of incentives or combinations of incentives that may be used for a program design will be described in the application instructions.

14.14(2) *Grant criteria.* To respond to funding priorities, as funds are made available, the executive director of the commission will establish criteria consistent with federal regulations. If federal funds are being offered, applicants will be considered on a competitive basis. At a minimum, the criteria will contain the following:

a. Goals and objectives of the project;

b. Qualifications of the applicant to manage funds;

c. For new and recompeting applicants, letters of local support verifying coordination and communitywide cooperation;

d. Total project budget;

e. For previous grantees, evidence of ability to submit timely and accurate reports;

f. Description and timeline of planned activities;

g. Agreement to develop for the project a community partnership group whose membership should include a cross-section of the community served;

h. Description of the applicant organization, including staffing pattern; and

i. Documentation of the applicant's ability to provide the required local match.

14.14(3) *Application process for new grants.*

a. The commission shall issue a request for applications containing project criteria and application forms for the appropriate fiscal year.

b. The applicant shall submit the completed application to the commission according to the timeline identified in the request for applications.

c. Applications submitted will be reviewed by a grant review committee composed of members of the commission grant review committee, individuals with expertise in youth programming, and the citizens of Iowa. Using the criteria in subrule 14.14(2), the committee will review the applications for appropriateness and to determine the merit of the project.

d. Applicants whose projects have been selected for funding will be notified by the commission.

14.14(4) *Administration of grants.*

a. Contracts. The commission shall prepare contractual agreements for the grants.

b. Reporting. All grant recipients shall submit progress and financial reports to the commission as outlined in the contract.

c. Availability of funds. Separate request for applications will only be issued when there are funds available for this program. To the extent allowable by federal regulations, summer youth corps will always be an acceptable program model for annual AmeriCorps grants and will be listed in the annual AmeriCorps program request for applications.

817—14.15(15H) Information specific to the Iowa green corps program.

14.15(1) *Incentives.* Incentives will be determined by federal funding guidelines or restrictions, depending on the source of funds utilized for the Iowa green corps in a given grant year. Types of incentives or combinations of incentives that may be used for a program design will be described in the application instructions.

14.15(2) *Grant criteria.* To respond to funding priorities, as funds are made available, the executive director of the commission will establish criteria consistent with federal regulations. If federal funds are being offered, applicants will be considered on a competitive basis.

14.15(3) *Designated funds.* A percentage of the grants may be designated by the commission to address capacity-building activities that target communities that are already working with existing community improvement programs, including but not limited to the green streets and main street Iowa programs administered by the Iowa economic development authority, and disaster remediation activities by communities located within an area declared to be a disaster area by the President of the United States or the governor of the state of Iowa.

14.15(4) *Application process for new grants.*

a. The commission will issue a request for applications containing project criteria and application forms for the applicable fiscal year.

b. The applicant shall submit the completed application to the commission according to the timeline identified in the request for applications.

c. Applications submitted will be reviewed by a grant review committee, which is composed of members of the commission grant review committee, individuals with expertise in youth programming, and the citizens of Iowa. Using the criteria in subrule 14.15(2), the committee will review the applications for appropriateness and to determine the merit of the project.

14.15(5) *Administration of grants.*

a. Contracts. The commission will prepare contractual agreements for the grants.

b. Reporting. All grant recipients shall submit progress and financial reports to the commission.

c. Availability of funds. Separate requests for applications will only be issued when there are available funds for this program. To the extent allowable by federal regulations, Iowa green corps will always be an acceptable program model for annual AmeriCorps grants and will be listed in the annual AmeriCorps program request for applications.

d. Notification. Applicants whose projects have been selected for funding will be notified by the commission.

817—14.16(15H) Information specific to the Iowa reading corps program.

14.16(1) *Program eligibility criteria.* The commission and department of education will establish criteria consistent with federal regulations to ensure the alignment of the program with the goals outlined in Iowa Code section 256.9(49)*"c"* and 281—Chapter 62. Any program determined eligible for inclusion as an Iowa reading corps program must ensure that it meets standards outlined by the department of education in 281—Chapter 62. All applicants must be preapproved by the department of education as eligible to compete for Iowa reading corps grants.

14.16(2) *Grant criteria.* The commission will establish criteria and funding priorities consistent with federal regulations and the goals of the department of education and the commission. Preapproval of applicant eligibility shall be sought as outlined in subrule 14.16(1). Applicants will be considered either in conjunction with the regular AmeriCorps grant process or, in certain cases, through special competitions outlined and announced by the commission.

14.16(3) *Designated funds.* A percentage of grant funding may be designated by the commission to address specific underserved or high-need geographic areas or schools. In advance of the competition, the commission may also set a minimum amount available for Iowa reading corps grants financed with state, federal and private funds, as well as any minimum or maximum funding amounts for individual applicants based on program need and the service territory of the communities described and, if applicable, past performance of use of funds. The commission may also give priority to programs that serve underserved or high-need areas or schools.

14.16(4) *Application process for new grants.*

a. Request for application. The commission shall issue a request for applications, which shall include program criteria and application forms for the applicable fiscal year.

b. Application time frame. The applicant shall submit the completed application to the commission according to the timeline identified in the request for application.

c. Application review process. Applications will be reviewed by a grant review committee, which is composed of members of the commission grant review committee, individuals with expertise in youth programming, and citizens of Iowa. The committee will review the applications based on the appropriateness and merit of the projects.

d. Notification. Applicants whose projects have been selected for funding shall be notified by the commission.

14.16(5) *Administration of grants—contracts.* The commission will prepare contractual agreements for the grants.

a. Reporting. All grant recipients shall submit progress and financial reports to the commission.

b. Availability of funds. A separate request for applications will be issued only when there are available funds for this program. To the extent allowable by federal regulations, Iowa reading corps will always be an acceptable program model for annual AmeriCorps grants and will be listed in the annual AmeriCorps program request for applications.

817—14.17(15H) Information specific to the RefugeeRISE AmeriCorps program.

14.17(1) *Program eligibility criteria.* The commission and department of health and human services will establish criteria consistent with state-level needs and federal program requirements. Any program deemed eligible for inclusion as a RefugeeRISE AmeriCorps program must meet the standards outlined by the commission and the department in the application instructions. All applicants that wish to be considered as RefugeeRISE AmeriCorps programs shall be considered as part of the AmeriCorps grant process.

14.17(2) *Grant criteria.* The commission will establish grant criteria and funding priorities consistent with federal regulations and with commission and department of health and human services goals. Applicants will be considered either in conjunction with the RefugeeRISE AmeriCorps grant process or, in certain cases, through special competitions outlined and announced by the commission.

14.17(3) *Application process for new grants.*

a. Request for applications. The commission will issue a request for applications containing program criteria and application forms for the applicable fiscal year.

b. Application time frame. The applicant shall submit the completed application to the commission according to the timeline identified in the request for applications.

c. Application review process. Applications submitted will be reviewed by a grant review committee that is composed of members of the commission, individuals with expertise in youth programming, and citizens of Iowa. Using the criteria in subrule 14.17(2), the committee will review the applications to determine the appropriateness and the merit of the project.

d. Notification. Applicants whose projects have been selected for funding will be notified by the commission.

817—14.18(15H) Reversion of funds. Grant funds awarded under this chapter that are not expended by the specified project closeout date shall revert to the commission and to the community programs account established pursuant to Iowa Code section 15H.5, as applicable.

These rules are intended to implement Iowa Code chapter 15H.

ARC 0222D

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Notice of Intended Action

Proposing rulemaking related to school safety and providing an opportunity for public comment

The Department of Homeland Security and Emergency Management hereby proposes to amend Chapter 13, "School Safety," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 2024 Iowa Acts, House File 2652.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2024 Iowa Acts, House File 2652.

Purpose and Summary

The current chapter does not provide for any transitional or safe harbor protections for school districts that purchased products related to unholstered weapons detection soon after the enactment of 2024 Iowa Acts, House File 2652. Because the rulemaking and development of the list of eligible organizations took some time, the Department wishes to provide safe harbor for the school districts that did procure technologies related to unholstered weapons detection prior to the publication of the list, provided the organizations complied with the requirements at the time and were eventually approved to be on the list by the Department.

Regulatory Analysis

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

- March 24, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 20, 2026. Comments should be directed to:

Blake DeRouchey
Department of Homeland Security and Emergency Management
7900 Hickman Road, Suite 500

Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

Public Hearing

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

May 20, 2026 8:30 a.m.	Cyclones Conference Room, Suite 500 7900 Hickman Road Windsor Heights, 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.

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** subrule 13.1(4):

13.1(4) Transitional compliance and retroactive approval:

a. A school district or accredited nonpublic school that purchased an unholstered weapons detection system after May 17, 2024, but prior to the department's first publication of the approved organization list, shall be deemed in compliance with Iowa Code section 279.86 and this chapter, provided that:

(1) The organization and product are subsequently added to the approved list; or

(2) The school provides documentation to the department demonstrating that the organization and product met the eligibility criteria in rule 605—13.2(90GA,HF2652) at the time of purchase.

b. Systems approved under this subrule may continue to be used and maintained for the duration of the existing contract or the operational life of the equipment, whichever is shorter, without requiring a new procurement from the approved list.

ITEM 2. Adopt the following **new** subrule 13.2(3):

13.2(3) For purposes of the transitional exception in subrule 13.1(4), the department may evaluate an organization's qualification based on the technical specifications and security standards in place at the time of the school's initial procurement.

ARC 0229D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to conditions of eligibility and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 249A.3(2)"a"(1)(b).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Sections 1916A and 1902(a)(10)(A)(ii)(XIII) of the federal Social Security Act.

Purpose and Summary

This proposed rulemaking implements the required annual premium update for applicants and recipients under the Medicaid for Employed Persons with Disabilities (MEPD) program with an income over 150 percent of the federal poverty level (FPL).

Regulatory Analysis

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

- April 7, 2026

Fiscal Impact

The anticipated effect of the proposed premium change on State revenue for fiscal year 2027 is $31,839.

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 19, 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:

May 19, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 255 692 208 678 60 Passcode: vo97fF7g
May 19, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 229 152 424 277 59 Passcode: VP3Rx2KR

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. Amend subparagraph **75.6(6)"b"(4)** as follows:

(4) Premiums will be assessed as follows:

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
150% of Federal Poverty Level	~~$43~~ $44
165% of Federal Poverty Level	~~$59~~ $60
180% of Federal Poverty Level	~~$70~~ $72
200% of Federal Poverty Level	~~$82~~ $84
225% of Federal Poverty Level	~~$97~~ $99
250% of Federal Poverty Level	~~$113~~ $115
300% of Federal Poverty Level	~~$141~~ $144
350% of Federal Poverty Level	~~$171~~ $175
400% of Federal Poverty Level	~~$202~~ $206
450% of Federal Poverty Level	~~$233~~ $238
550% of Federal Poverty Level	~~$291~~ $296
650% of Federal Poverty Level	~~$351~~ $358
750% of Federal Poverty Level	~~$413~~ $421
850% of Federal Poverty Level	~~$488~~ $497
1000% of Federal Poverty Level	~~$586~~ $597
1150% of Federal Poverty Level	~~$685~~ $699
1300% of Federal Poverty Level	~~$790~~ $806
1480% of Federal Poverty Level	~~$913~~ $931

ARC 0230D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to individual and family direct support and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 184, "Individual and Family Direct Support," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 225C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Executive Order 10.

Purpose and Summary

This proposed rulemaking is being undertaken as a result of a Red Tape Rule Review pursuant to Executive Order 10. The Department's review found Chapter 184 describes programs that have already sunset and for which there is no longer statutory authority. The Family Support Subsidy program was designed to assist families in staying together by defraying some of the costs of caring for a child with special needs living at home. The chapter also defined and structured the corresponding comprehensive family support program, known as Children at Home. This program was designed to assist families raising a child with a disability in obtaining needed services and supports. Because the programs and the statutory authority for rulemaking are no longer in place, the Department is proposing to rescind this chapter.

Regulatory Analysis

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

- April 7, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 19, 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:

May 19, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 255 692 208 678 60 Passcode: vo97fF7g
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Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **441—Chapter 184**.

ARC 0231D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to behavioral health professionals licensing and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 880, "Behavioral Health Professionals Licensing," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 147H, 154C, and 154D and sections 147I.1, 272C.3, and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 147H, 147I, 154C, 154D, and 272C.

Purpose and Summary

The proposed amendments define the requirements for participation in the Professional Counselors Licensure Compact, commonly known as the Counseling Compact; define participation in the Social Work Licensure Compact; add background check requirements for all existing mental health counselor license holders; add background check requirements for all social workers; add background check requirements during license reactivation when a license has been inactive for two or more years and the licensee cannot provide evidence of active practice in another state; add a fee for the issuance of a compact privilege to practice in Iowa; and waive the compact privilege fee for an active duty military member or spouse.

Regulatory Analysis

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

- March 10, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on May 19, 2026. Comments should be directed to:

Emily DeRonde
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Email: emily.deronde@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).

The following rulemaking action is proposed:

ITEM 1. Amend rule 481—880.1(148,154B,154C,154D), introductory paragraph, as follows:

481—880.1(148,154B,154C,154D) Definitions. For purposes of these rules, the following definitions shall apply:

ITEM 2. Adopt the following **new** definitions of "DCI," "Department," "FBI" and "NACES" in rule **481—880.1(148,154B,154C,154D)**:

"DCI" means the division of criminal investigation.

"Department" means the department of inspections, appeals, and licensing.

"FBI" means the Federal Bureau of Investigation.

"NACES" means the National Association of Credential Evaluation Services.

ITEM 3. Amend paragraph **880.2(1)"b"** as follows:

b. The applicant for a mental health counseling license shall submit ~~two completed fingerprint cards and a signed waiver form~~ required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check by the ~~Iowa division of criminal investigation (~~DCI~~)~~ and the ~~Federal Bureau of Investigation (~~FBI~~)~~. The cost of the criminal history background check by the DCI and the FBI shall be assessed to the applicant.

ITEM 4. Reletter paragraphs **880.2(7)"b"** to **880.2(7)"g"** as **880.2(7)"c"** to **880.2(7)"h"**.

ITEM 5. Adopt the following **new** paragraph **880.2(7)"b"**:

b. The applicant for a social worker license shall submit required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check by the DCI and the FBI. The cost of the criminal history background check by the DCI and the FBI shall be assessed to the applicant.

ITEM 6. Amend relettered paragraph **880.2(7)"c"** as follows:

c. No application will be considered by the board until official copies of academic transcripts have been received by the board except as provided in paragraph ~~880.2(7)*"g."*~~ 880.2(7)*"h."*

ITEM 7. Amend relettered paragraph **880.2(7)"h"** as follows:

h. In lieu of the requirements in paragraphs ~~880.2(7)*"b"*~~ 880.2(7)*"c"* and ~~*"c,"*~~ *"d,"* the board will accept the ASWB Social Work Registry verification of academic transcripts and verification of licensure in other states.

ITEM 8. Amend paragraph **880.4(5)"c"** as follows:

c. Foreign-trained social workers shall provide an equivalency evaluation of their educational credentials by International Education Research Foundation, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, California 90231-3665, telephone 310.258.9451, website www.ierf.org or email at info@ierf.org; ~~or~~ obtain a certificate of equivalency from the Council on Social Work Education, 1701 Duke Street, Suite 200, Alexandria, Virginia 22314-3457, telephone 703.683.8080, website www.cswe.org; or obtain a certificate of equivalency from an evaluation service with membership in NACES at www.naces.org or a credential evaluation service approved by the board. The professional curriculum must be equivalent to that stated in these rules. The applicant shall bear the expense of the curriculum evaluation.

ITEM 9. Adopt the following **new** paragraph **880.10(2)"c"**:

c. Complete a compact eligibility review. This rule applies to mental health counselor licensees who were licensed prior to enactment of this rule unless this was completed at the time of initial licensure. In order to complete the compact eligibility review, at or prior to the licensee's next renewal, the licensee must submit required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and the FBI criminal history background checks will be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and the FBI.

ITEM 10. Rescind rule 481—880.14(17A,147,272C) and adopt the following **new** rule in lieu thereof:

481—880.14(17A,147,272C) License reactivation for mental health counselors, marital and family therapists, psychologists, and social workers. To apply for reactivation of an inactive license, a licensee shall:

880.14(1) Submit a reactivation application.

880.14(2) Pay the reactivation fee that is due as specified in 481—Chapter 507.

880.14(3) Provide verification of license from the jurisdiction in which the applicant has been most recently licensed, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification directly from the jurisdiction's board office if the verification provides:

a. Licensee's name;

b. Date of initial licensure;

c. Current licensure status; and

d. Any disciplinary action taken against the license.

880.14(4) For mental health counseling and marriage and family therapy licenses:

a. Provide verification of a current active license in another jurisdiction at the time of application, or

b. Provide verification of completion of continuing education taken within two years prior to the application for reactivation.

(1) If the license has been inactive for less than five years, the applicant must submit verification of 40 hours of continuing education.

(2) If the license has been inactive for more than five years, the applicant must submit verification of 80 hours of continuing education.

c. If the mental health counseling license has been inactive for two or more years and the licensee cannot provide verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation, submit required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and the FBI criminal history background checks will be assessed to the licensee. The board may withhold reactivation of a license pending receipt of a report from the DCI and the FBI.

880.14(5) For psychology licenses, provide verification of a current active license in another jurisdiction at the time of application or verification of completion of continuing education taken within two years of the application. If the license has been inactive for less than five years, the applicant must submit verification of 40 hours of continuing education, and if the license has been inactive for more than five years, the applicant must submit verification of 80 hours of continuing education.

880.14(6) For social work licenses, provide:

a. Verification of completion of 27 hours of continuing education within two years of application for reactivation or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

b. If the license has been on inactive status for more than five years, the verification in paragraph 880.14(6)*"a"* and one of the following:

(1) Verification of passing the ASWB examination within the last five years at the appropriate or higher level as follows:

1. Bachelor-level social worker—the bachelor's level examination;

2. Master-level social worker—the master's level examination; or

3. Independent-level social worker—the clinical level examination.

(2) Verification of continued social work practice at the appropriate or higher level in another state for a minimum of two years immediately preceding the application for reactivation.

(3) If the social work license has been inactive for two or more years and the licensee cannot provide verification of active practice, in accordance with subparagraph 880.14(6)*"b"*(2), in another state or jurisdiction during the two years preceding an application for reactivation, required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and the FBI criminal history background checks will be assessed to the applicant. The board may withhold issuing a license pending receipt of a report from the DCI and the FBI.

ITEM 11. Amend rule 481—880.18(147) as follows:

481—880.18(147) Professional counselor licensing compact. The rules of the Counseling Compact Commission are incorporated by reference. A mental health counselor may engage in the practice of licensed mental health counseling in Iowa without a license issued by the board if the individual has a current compact privilege to practice in Iowa issued by the counseling compact. The state fee for issuance of a compact privilege to practice in Iowa shall be $60, which will be collected by the counseling compact. The state fee for issuance of a compact privilege to practice in Iowa shall be waived for an active-duty military member or spouse of an individual who is an active-duty military member. A mental health counselor who practices mental health counseling in Iowa using a compact privilege is subject to the rules governing licensees in this chapter and in 481—Chapters 881, 882, 884, and 885. Complaints, investigations, and disciplinary proceedings involving a compact privilege shall be handled in accordance with Iowa Code chapters 17A, 147H, and 272C and 481—Chapters 503, 504, and 506.

This rule is intended to implement Iowa Code chapter 147H.

ITEM 12. Renumber rule **481—880.19(154D)** as **481—880.20(154D)**.

ITEM 13. Adopt the following **new** rule 481—880.19(147):

481—880.19(147) Professional social worker licensing compact (SWLC). The rules of the SWLC are incorporated by reference. A social worker may engage in the practice of licensed social work in Iowa without a license issued by the board if the individual has a current compact privilege to practice in Iowa issued by the social work licensure compact. The state fee for issuance of a compact privilege to practice in Iowa shall be $60, which will be collected by the social work licensure compact. The state fee for issuance of a compact privilege to practice in Iowa shall be waived for an active duty military member or spouse of an individual who is an active duty military member. A social worker who practices social work in Iowa using a compact privilege is subject to the rules governing licensees in this chapter and in 481—Chapters 881, 882, 884, and 885. Complaints, investigations, and disciplinary proceedings involving a compact privilege shall be handled in accordance with Iowa Code chapters 17A, 147I, and 272C and 481—Chapters 503, 504, and 506.

This rule is intended to implement Iowa Code chapter 147I.

ARC 0223D

PUBLIC HEALTH DEPARTMENT[641]

Amended Notice of Intended Action

Proposing rulemaking related to radiation and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material,” and to adopt a new Chapter 37, “General Provisions for Radiation and Radiation Protection Standards,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 136C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136C and 10 CFR 20.

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others were reviewed as a part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This proposed chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the

Department. Unless otherwise exempted, the provisions of this proposed chapter apply to and provide regulatory guidance to all persons who receive, possess, use, transfer, own, or acquire any source of radiation.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9772C**. No public comments were received.

The original Notice is being amended to update the returned check fee for licensing applications. Through an agreement with the Department of Inspections, Appeals, and Licensing (DIAL), the Department has agreed to standardize these fees so that they are in line with other departments across the State. The returned check fee is being updated from $25 to $40. The Department assessed one returned check fee in SFY 2025 and SFY 2026.

Fiscal Impact

The State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the reoccurring late fees from these chapters and instead adding a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund. This rulemaking also increases the returned check fees for licensing applications from $25 to $40. The Department assessed one returned check fee in SFY 2025 and SFY 2026; thus, the overall fiscal impact is expected to be minimal.

Jobs Impact

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

Waivers

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

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 May 19, 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:

May 19, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 255 692 208 678 60 Passcode: vo97fF7g

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. Rescind 641—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
GENERAL PROVISIONS FOR RADIATION AND RADIATION PROTECTION STANDARDS

641—37.1(136C) General provisions.

37.1(1) Except as otherwise specifically exempted, the provisions of this chapter apply to all persons who receive, possess, use, transfer, own, or acquire any source of radiation. However, nothing in these rules shall apply to the extent that such persons are subject to regulation by the U.S. Nuclear Regulatory Commission. Attention is directed to the fact that regulation by the state of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the agreement between the state and the U.S. Nuclear Regulatory Commission and to 10 CFR Part 150 of the Commission's regulations as amended to August 1, 2025.

37.1(2) All persons possessing radiation machines within the state shall be registered in accordance with this chapter, except as specifically exempted.

37.1(3) No person shall receive, possess, use, transfer, own, or acquire radioactive material, except as authorized in a specific or general license issued pursuant to this chapter or as otherwise provided in these rules.

37.1(4) This chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the department. These rules are issued pursuant to the authority in Iowa Code sections 136C.3 and 136C.4.

37.1(5) The requirements of this chapter are designed to control the receipt, possession, use, transfer, and disposal of radiation sources by any licensee or registrant to ensure that the total radiation dose to any individual, excluding background radiation, does not exceed the standards for protection against radiation prescribed in this chapter.

37.1(6) The limits in this chapter do not apply to doses from background radiation, medical exposures for diagnosis or therapy, or voluntary participation in medical research. Nothing in this chapter shall be construed as limiting actions that may be necessary to protect public health and safety.

37.1(7) In addition to complying with the requirements set forth in this chapter, every reasonable effort should be made to maintain radiation exposures and releases of radioactive material in effluents to unrestricted areas as low as is reasonably achievable (ALARA).

37.1(8) The requirements of this chapter are in addition to, and not in substitution for, any other applicable provisions of 641—Chapters 38 through 42. Compliance with the most stringent applicable requirements, whether found in this chapter or in 641—Chapters 38 through 42, is required.

37.1(9) The provisions in this chapter pertaining to radioactive materials are consistent with the requirements of 10 CFR Parts 19 and 20 (as amended to August 1, 2025) and as referenced in 641—Chapter 39. Accordingly, the provisions of 641—Chapter 39 apply to corresponding rules and subrules of this chapter.

641—37.2(136C) Definitions. Except as otherwise specifically provided within a chapter or rule, these definitions apply to 641—Chapters 37 through 42.

"Absorbed dose rate" means absorbed dose per unit time, for machines with timers, or dose monitor unit per unit time for linear accelerators.

"Accelerator" or *"particle accelerator"* means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the curie (Ci) and the becquerel (Bq).

"Adult" means an individual 18 years of age or older.

"Agreement state" means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under Subsection 274b of the Atomic Energy Act of 1954 as amended (73 Stat. 689). The state of Iowa is an agreement state as of January 1, 1986.

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particles, mists, vapors, or gases.

"Airborne radioactivity area" means a room, enclosure, or area in which airborne radioactive material (composed wholly or partly of licensed material) exists in concentrations (1) in excess of the derived air concentrations (DACs) specified in 10 CFR Part 20, Appendix A (as amended to August 1, 2025), or (2) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

"Air kerma" or *"K"* means the kinetic energy released in air by ionizing radiation. Kerma is determined as the quotient of dE by dM, where dE is the sum of the initial kinetic energies of all the charged ionizing particles liberated by uncharged ionizing particles in air of mass dM. The SI unit of air kerma is joule per kilogram, and the special name for the unit of kerma is the gray (Gy).

"Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

"Annual limit on intake" or *"ALI"* means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference person that would result in a committed effective dose equivalent of 5 rem (0.05 Sv) or a committed dose equivalent of 50 rem (0.5 Sv) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of 10 CFR Part 20, Appendix B, as amended to August 1, 2025.

"Annually" means at least once every 365 days.

"As low as is reasonably achievable" or *"ALARA"* means making every reasonable effort to maintain exposures to radiation as far below the dose limits in these rules as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or subsystem. The term includes the owner of an X-ray system or the employee or agent who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

"Assigned protection factor" or *"APF"* means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

"Atmosphere-supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

"Authorization" means license, registration, certificate, permit, or any other document issued or received by the department that authorizes specific activities related to the possession and use of radioactive materials or radiation-producing machines in Iowa.

"Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive materials regulated by the department.

"Beam axis" means a line from the source through the centers of the X-ray fields.

"Beam-limiting device" means a field defining collimator, integral to the system, which provides a means to restrict the dimensions of the X-ray field or useful beam.

"Beam monitoring system" means a system designed and installed in the radiation head to detect and measure the radiation present in the useful beam.

"Becquerel" or *"Bq"* means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (dps or tps).

"Bioassay" or *"radiobioassay"* means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body.

"Bone densitometry" means the use of ionizing radiation for diagnostic purposes utilizing a dual energy X-ray absorptiometry (DEXA) system. A DEXA system employs low-dose X-rays at two distinct energy levels to measure bone mineral density, and may also be used to assess lean tissue mass, total or regional body fat, or to perform other examinations as permitted by the system's intended use and the department.

"Brachytherapy" means a method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, intraluminal, or interstitial application.

"Brachytherapy source" means a radioactive source or a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

"Byproduct material" means:

1. Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

2. The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition;

3. Any discrete source of radium-226 that is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity or any material that:

- Has been made radioactive by use of a particle accelerator; and
- Is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and
- Any discrete source of naturally occurring radioactive material, other than source material, that:
  - The Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source of radium-226; and

○ Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.

"Cabinet radiography" means industrial radiography conducted in an enclosure or cabinet shielded so that radiation levels at every location on the exterior meet the limitations specified in rule 641—37.11(11).

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year begins in January, and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these rules, except at the beginning of a year.

"Calibration" means the determination of:

1. The response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or
2. The strength of a source of radiation relative to a standard.

"Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier or by civil aircraft.

"Class," "lung class," or *"inhalation class"* means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D, Days, of less than 10 days, for Class W, Weeks, from 10 to 100 days, and for Class Y, Years, of greater than 100 days.

"Code of Federal Regulations" or *"CFR"* means the codification of the general and permanent regulations promulgated by the executive departments and agencies of the federal government of the United States as amended to August 1, 2025, and all references to the CFR herein are amended as to August 1, 2025. It is the official legal print publication containing the rules published in the Federal Register.

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Committed dose equivalent" or *"HT,50"* means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" or *"HE,50"* is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues (HE,50 = ΣwT,HT,50).

"Computed tomography" or *"CT"* means the production of a tomogram by the acquisition and computer processing of X-ray transmission data.

"Consignment" means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.

"Constraint or dose constraint" means a value above which specified licensee actions are required.

"Controlled area" means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee or registrant for any reason.

"Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material that decays at the rate of 3.7E+10 transformations per second (tps).

"Declared pregnant woman" means a woman who has voluntarily informed her licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

"Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits:

1. Release of the property for unrestricted use and termination of the license; or
2. Release of the property under restricted conditions and termination of the license.

"Deep dose equivalent" or *"Hd,"* which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

"Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

"Derived air concentration" or *"DAC"* means the concentration of a given radionuclide in air that if breathed by the reference person for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour) results in an intake of one ALI. DAC values are given in Table I, Column 3, of 10 CFR Part 20, Appendix B.

"Derived air concentration-hour" or *"DAC-hour"* means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed dose equivalent of 5 rem (0.05 Sv).

"Direct supervision" means guidance and instruction by a qualified individual who is physically present and watching the performance of the radiological operation or procedure and in such proximity that contact can be maintained and immediate assistance can be given as required.

"Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

"Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

"Distinguishable from background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

"Dose" or *"radiation dose"* is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent.

"Dose equivalent" or *"HT"* means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

"Dose limits" or *"limits"* means the permissible upper bounds of radiation doses established in accordance with these rules.

"Effective dose equivalent" or *"HE"* means the sum of the products of the dose equivalent to each organ or tissue (HT) and the weighting factor (wT) applicable to each of the body organs or tissues that is irradiated (HE = ΣwTHT).

"Embryo" or *"fetus"* means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed or registered radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

"Exposure" means being exposed to ionizing radiation or to radioactive material.

"<u>Exposure</u>" means the quotient of dQ by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass "dm" are completely stopped in air. (The special unit of <u>exposure</u> is the roentgen (R) for SI equivalent coulomb per kilogram.) When not underlined as above or when indicated as "exposure" or (X), the term "exposure" has a more general meaning in these rules.

"<u>Exposure</u> rate" means the <u>exposure</u> per unit of time, such as roentgen per minute and milliroentgen per hour.

"External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

"Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee. For purposes of certification standards, "lower extremities" and "upper extremities" mean the same as defined in rule 641—38.7(136C).

"Facility" means the location, building, vehicle, or complex under one administrative control at which radioactive material is stored or used or at which one or more radiation machines are installed, located, or used.

"FDA" means the United States Food and Drug Administration.

"Filtering facepiece (dust mask)" means a negative pressure particulate respirator with a filter as an integral part of the facepiece, or with the entire facepiece composed of the filtering medium, that is not equipped with elastomeric sealing surfaces and adjustable straps.

"Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

"Fit test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Generally applicable environmental radiation standards" means standards issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954 as amended to August 1, 2025, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

"Gray" or *"Gy"* means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (1 Gy = 100 rad).

"Half-value layer" or *"HVL"* means the thickness of a specified material that attenuates X-radiation or gamma radiation to an extent such that the air kerma rate, exposure rate or absorbed dose rate is reduced to one-half of the value measured without the material at the same point. The contribution of all scattered radiation, other than any that might be present initially in the beam concerned, is excluded.

"Hazardous waste" means those wastes designated as hazardous by U.S. Environmental Protection Agency regulations in 40 CFR Part 261 as amended to August 1, 2025.

"Healing arts" means the occupational fields of diagnosing or treating disease, providing health care and improving health by the practice of medicine, osteopathy, chiropractic, podiatry, dentistry, nursing, veterinary medicine, and supporting professions, such as physician associates, nurse practitioners, radiologic technologists, and dental hygienists.

"Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

"High dose-rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate in excess of 1200 rads (12 gray) per hour at the point or surface where the dose is prescribed.

"High-level radioactive waste" or *"HLW"* means (1) irradiated reactor fuel; (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; and (3) solids into which such liquid wastes have been converted.

"High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual's receiving a dose equivalent in excess of 0.1 rem (1 mSv) in one hour at 30 centimeters from any source of radiation or 30 centimeters from any surface that the radiation penetrates.

"Highway route controlled quantity" means a quantity within a single package that exceeds:

1. 3,000 times the A1 value of the radionuclides as specified in 49 CFR 173.435 for special form Class 7 (radioactive) material;
2. 3,000 times the A2 value of the radionuclides as specified in 49 CFR 173.435 for normal form Class 7 (radioactive) material; or
3. 1,000 TBq (27,000 Ci), whichever is least.

"Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

"Human use" means the internal or external administration of radiation or radioactive material to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

1. Dose equivalent by the use of devices designed to be worn by an individual or by the use of survey data; or
2. Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

"Individual monitoring devices," "personnel dosimeter" or *"dosimeter"* means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, optically stimulated luminescent (OSL) devices, and personal air sampling devices.

"Industrial radiography" means an examination of the structure of materials by nondestructive methods, utilizing ionizing radiation to make radiographic images.

"Inspection" means an official examination or observation including but not limited to tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the department.

"Instrument traceability," "source traceability" or *"traceable to a national standard"* means, for ionizing radiation measurements, the ability to show that an instrument has been calibrated at specified time intervals using a national standard or a transfer standard. If a transfer standard is used, the calibration must be from a laboratory accredited by a program that required continuing participation in measurement quality assurance with the National Institute of Standards and Technology or other equivalent national or international program.

"Interlock" means a device preventing the start or continued operation of equipment unless certain predetermined conditions prevail.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"Ionizing radiation producing machine" or *"radiation machine"* means any device capable of producing radiation when the associated control devices are operated, excluding devices that produce radiation only by the use of radioactive material.

"Iowa approved" means recognized or accepted by the department as meeting the training and experience requirements established by MQSA, CFR, or any additional criteria set forth by the department. This may include but is not limited to formal approval by the department based on documentation of education, training, certification, and clinical experience.

"Irradiation" means the exposure of a living being or matter to ionizing radiation.

"Leakage radiation" means radiation emanating from the diagnostic or therapeutic source assembly, except for:

1. The useful beam, and
2. Radiation produced when the exposure switch or timer is not activated.

"Lens dose equivalent" or *"LDE"* applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm^2).

"License" means a license issued by the department in accordance with the rules adopted by the department.

"Licensed (or registered) material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license (or registration) issued by the department.

"Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, osteopathy, chiropractic, podiatry, or dentistry in Iowa, or certified as a physician associate, and authorized to prescribe X-ray tests for the purpose of diagnosis or treatment.

"Licensee" means any person who is licensed by the department in accordance with these rules and Iowa Code chapter 136C.

"Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and that has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

"Loose-fitting facepiece" means a respiratory inlet covering that is designed to form a partial seal with the face.

"Lost or missing licensed (or registered) source of radiation" means licensed (or registered) source of radiation whose location is unknown. This definition includes licensed (or registered) material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Mammography" means the radiography of the breast.

"Mammography unit" means an assemblage of components for the production of X-rays for use during mammography, including, at a minimum, an X-ray generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the supporting structures for these components.

"Medical event" means the medical event:

1. In which, except for an event that results from patient intervention:

● The administration of byproduct material or radiation from byproduct material, except permanent implant brachytherapy, results in:

○ A dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than 5 rem (0.05 Sv) effective dose equivalent, 50 rem (0.5 Sv) to an organ or tissue, or 50 rem (0.5 Sv) shallow dose equivalent to the skin; and

♦ The total dose delivered differs from the prescribed dose by 20 percent or more;

♦ The total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or

♦ The fractionated dose delivered differs from the prescribed dose, for a single fraction, by 50 percent or more.

○ A dose that exceeds 5 rem (0.05 Sv) effective dose equivalent, 50 rem (0.5 Sv) to an organ or tissue, or 50 rem (0.5 Sv) shallow dose equivalent to the skin from any of the following:

♦ An administration of the wrong radioactive drug containing byproduct material or the wrong radionuclide for a brachytherapy procedure;

♦ An administration of a radioactive drug containing byproduct material by the wrong route of administration;

♦ An administration of a dose or dosage to the wrong individual or human research subject;

♦ An administration of a dose or dosage delivered by the wrong mode of treatment; or

♦ A leaking sealed source.

○ A dose to the skin or an organ or tissue other than the treatment site that exceeds by:

♦ 50 rem (0.5 Sv) or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration; and

♦ 50 percent or more the expected dose from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration;

● For permanent implant brachytherapy, the administration of byproduct material or radiation from byproduct material (excluding sources that were implanted in the correct site but migrated outside the treatment site) that results in:

○ The total source strength administered differing by 20 percent or more from the total source strength documented in the postimplantation portion of the written directive;

○ The total source strength administered outside of the treatment site exceeding 20 percent of the total source strength documented in the postimplantation portion of the written directive; or

○ An administration that includes any of the following:

♦ The wrong radionuclide;

♦ The wrong individual or human research subject;

♦ Sealed source(s) implanted directly into a location discontiguous from the treatment site, as documented in the postimplantation portion of the written directive; or

♦ A leaking sealed source resulting in a dose that exceeds 50 rem (0.5 Sv) to an organ or tissue.

2. Resulting from intervention of a patient or human research subject in whom administration of byproduct material or radiation from byproduct material results or will result in unintended permanent functional damage to an organ or a physiological system as determined by a physician.

"Medical use" means the intentional internal or external administration of radioactive material or the radiation therefrom to patients or human research subjects under the supervision of an authorized user.

"Member of the public" means any individual, except when that individual is receiving an occupational dose.

"Minor" means an individual less than 18 years of age.

"Monitoring, radiation monitoring" or *"radiation protection monitoring"* means the measurement of radiation levels, radioactive material concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"Negative pressure respirator (tight fitting)" means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

"Nonstochastic effect" or *"deterministic event"* means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect.

"Nuclear Regulatory Commission" or *"NRC"* means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed or unlicensed and registered or unregistered sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include a dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered sources of radiation or radioactive material from voluntary participation in medical research programs, or as a member of the public.

"Online licensing portal" means the electronic system designated by the department through which applicants and credential holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Package" means the packaging together with its radioactive contents as presented for transport.

"Patient" means an individual or animal subjected to healing arts examination, diagnosis or treatment.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, department, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but cannot include federal government agencies.

"PET/CT" means an imaging modality that uses positron emission tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

"Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation. This requires that both the atomic number (Z) and the density of the material be similar to that of tissue.

"Physician" means a person who is currently licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

"Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

"Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

"Positron emission tomography (PET) radionuclide production facility" means a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

"Powered air-purifying respirator" or *"PAPR"* means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

"Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

"Primary protective barrier" or *"barrier"* means the material, excluding filters, placed in the useful beam to reduce the radiation exposure (beyond the patient and cassette holder) for protection purposes.

"Public dose" means the dose received by a member of the public from exposure to radiation or to radioactive material released by a licensee, registrant, or other person or to any other source of radiation under the control of a licensee, registrant, or other person. It does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, or from exposure to individuals administered sources of radiation or radioactive material and released from voluntary participation in medical research programs.

"Qualified expert" means an individual registered with the department as a radiation machines service provider, whether as an individual, as part of a corporation, or any other entity included in the definition of "person" under this chapter, having the knowledge and training to measure ionizing radiation, evaluate safety techniques, and provide guidance on radiation protection.

"Qualitative fit test" or *"QLFT"* means a pass-fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

"Quality assurance" means the overall program of testing and maintaining the highest possible standards of quality in the acquisition and interpretation of radiographic images.

"Quality control" means the actual process of testing and maintaining the highest possible standards of quality in equipment performance and the acquisition and interpretation of radiographic images.

"Quality factor" or *"Q"* means the modifying factor, listed in Tables I and II of subrule 37.5(1), that is used to derive dose equivalent from absorbed dose.

"Quantitative fit test" or *"QNFT"* means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

"Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram (0.01 gray).

"Radiation" or *"ionizing radiation"* means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in these rules, does not include nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light.

"Radiation area" means any area accessible to individuals in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

"Radiation detector" or *"detector"* means a device that in the presence of radiation, by either direct or indirect means, provides a signal or other indication suitable for use in measuring one or more quantities of incident radiation.

"Radiation machine" means any device capable of producing radiation, except those devices with radioactive material as the only source of radiation.

"Radiation safety officer" or *"RSO"* means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

"Radioactive material" means any solid, liquid, or gas that emits radiation spontaneously.

"Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

"Radionuclide" means a radioactive element or a radioactive isotope.

"Reference person" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base. A description of the reference person is contained in the International Commission on

Radiological Protection report, ICRP Publication 23, "Report of the Task Group on Reference Man" as amended to August 1, 2025.

"Registrant" means any person who is registered with the department or is legally obligated to register with the department pursuant to these rules and Iowa Code chapter 136C.

"Registration" means registration with the department in accordance with the rules adopted by the department.

"Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100 through 180.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert).

"Reportable radiation incident" means an occurrence involving the use of a radiation-producing machine that meets one or more of the criteria established in the Council of Radiation Control Program Director's (CRCPD) Suggested State Regulations, Part F.2 as amended to August 1, 2025, for medical events. This includes but is not limited to any of the following:

1. Unintended skin dose to the same area in a single procedure greater than 2 Gy (200 rad);
2. Unintended dose other than skin dose in a single procedure greater than:

- 5 times the facility's established protocol, and > 0.5 Gy (50 rad) to any organ, or
- 5 times the facility's established protocol, and > 0.05 Sv (5 rem) effective dose;

3. Wrong patient or wrong site for entire procedure when the resultant dose is:

- Dose > 0.5 Gy (50 rad) to any organ, or
- Effective dose ≥ 0.05 Sv (5 rem).

4. This definition includes radiation incidents occurring during medical diagnostic and interventional X-ray procedures, as well as any other radiation machine-related incident that meets established reporting criteria. It also encompasses any additional incident deemed reportable by the department based on potential or actual deviation from intended use, dose, or safety standards.

"Research and development" means:

1. Theoretical analysis, exploration, or experimentation; or
2. The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with any previous state or federal licenses, rules, or regulations.

"Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

"Restricted area" means an area, access to which is limited by the licensee or registrant for the purpose of protecting individuals against undue risks from exposure to sources of radiation. A restricted area cannot include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58 × 10-4 coulombs/kilogram of air.

"Sanitary sewerage" means a system of public sewers for carrying off wastewater and refuse, excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

"Scattered radiation" means ionizing radiation emitted by interaction of ionizing radiation with matter, the interaction being accompanied by a change in direction of the radiation. Scattered primary

radiation means the scattered radiation that has been deviated in direction only by materials irradiated by the useful beam.

"Sealed source" means radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

"Self-contained breathing apparatus" or *"SCBA"* means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

"Service provider" means an individual or company engaged in equipment services included in this chapter.

"Shallow dose equivalent" or *"Hs,"* which applies to the external exposure of the skin of the whole body or the skin of an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2).

"Shutter" means a device attached to the tube housing assembly that can intercept the entire cross-sectional area of the useful beam and that has a lead equivalency not less than that of the tube housing assembly.

"SI" means the abbreviation for the International System of Units.

"Sievert" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

"Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

"Source" means the focal spot of the X-ray tube.

"Source material" means:

a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or

b. Ores that contain by weight one-twentieth of 1 percent (0.05 percent) or more of uranium, thorium or any combination of uranium and thorium. Source material does not include special nuclear material.

"Source material milling" means any activity that results in the production of byproduct material described in numbered paragraph "2" of the definition of "byproduct material."

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Source traceability" means the ability to show that a radioactive source has been calibrated either by the national standards laboratory of the National Institute of Standards and Technology or by a laboratory that participates in continuing measurement quality assurance programs with the National Institute of Standards and Technology or other equivalent national or international program.

"SPECT/CT" means an imaging modality that uses single photon emission computed tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

"SSD" means the distance between the source and the skin entrance plane of the patient.

"Stochastic effect" or *"probabilistic effect"* means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

"Stray radiation" means the sum of leakage and scattered radiation.

"Supplied-air respirator," "SAR" or *"airline respirator"* means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation or concentrations or quantities of radioactive material present.

"Target-to-skin distance" or *"TSD"* means the distance measured along the beam axis from the center of the front surface of the X-ray target or electron virtual source scattering foil to the surface of the irradiated object or patient.

"Termination of irradiation" means the stopping of irradiation in a fashion that will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

"Test" means the process of verifying compliance with an applicable regulation.

"These rules" means the rules contained within 641—Chapters 37 through 44.

"Tight-fitting facepiece" means a respirator inlet covering that forms a complete seal with the face.

"Total effective dose equivalent" or *"TEDE"* means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

"Total organ dose equivalent" or *"TODE"* means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in rule 641—37.4(136C).

"Treatment site" means the anatomical description of the tissue intended to receive a radiation dose as described in the written directive.

"Tube housing assembly" means the tube housing with tube installed. It includes high-voltage or filament transformers, or both, and other appropriate elements when such are contained within the tube housing.

"Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material or A2 for normal form radioactive material as defined in 10 CFR 71.4 as amended to August 1, 2025.

"Type B quantity" means a quantity of radioactive material greater than a Type A quantity as defined in 10 CFR 71.4 as amended to August 1, 2025.

"Unrestricted area" or *"uncontrolled area"* means an area to which access is neither limited nor controlled by the licensee or registrant.

"U.S. Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the U.S. Atomic Energy Commission, its chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the administrator thereof pursuant to Sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to Section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977), all as amended to August 1, 2025.

"User seal check" or *"fit check"* means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

"Very high radiation area" means an area accessible to individuals in which radiation levels from radiation sources external to the body could result in an individual's receiving an absorbed dose in excess of 500 rad (5 Gy) in one hour at 1 meter from a source of radiation or 1 meter from any surface that the radiation penetrates.

"Waste" means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as described in paragraphs "2," "3" and "4" of the definition of "byproduct material."

"Week" means seven consecutive days starting on Sunday.

"Weighting factor" or *"wT"* for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of wT are:

ORGAN DOSE WEIGHTING FACTORS	
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12

ORGAN DOSE WEIGHTING FACTORS	
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30[a]
Whole Body	1.00[b]

[a.] 0.30 results from 0.06 for each of five "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

[b.] For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, wT = 1.0, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

"Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

"Worker" means an individual engaged in work under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant.

"X-radiation" means penetrating electromagnetic radiation with energy greater than 0.1 kV produced by bombarding a metallic target with fast electrons in a high vacuum.

"X-ray tube" or *"tube"* means any electron tube that is designed to be used primarily for the production of X-rays.

"Year" means the period of time beginning in January used to determine compliance with the provisions of these rules. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

641—37.3(136C) General regulatory requirements.

37.3(1) *General provision.* The department may, upon application therefor or upon its own initiative, grant waivers from the requirements of the rules in 641—Chapters 37 through 42 as it determines are authorized by law and will not result in undue hazard to public health and safety or property. Waivers to administrative rules should be made in accordance with the process detailed in 441—Chapter 6.

37.3(2) *Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts.*

a. Except to the extent that NRC facilities or activities of the types subject to licensing pursuant to the Energy Reorganization Act of 1974 as amended to August 1, 2025, are involved, any prime contractor of the NRC is exempt from the license requirements of these rules and from the regulations of these rules to the extent that such contractor, under the contractor's prime contract with the NRC, manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material for:

(1) The performance of work for a department at the United States government-owned or government-controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation;

(2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or

(3) The use or operation of nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel.

b. In addition to the foregoing exemptions and subject to the requirement for licensing of NRC facilities and activities pursuant to the requirements of the Energy Reorganization Act of 1974 as amended to August 1, 2025, any prime contractor or subcontractor of the NRC is exempt from the requirements for a license set forth in Iowa Code chapter 136C and from the regulations in these rules to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material under the contractor's or subcontractor's prime contract or subcontract when the NRC determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work can be accomplished without undue risk to the public health and safety.

c. Common and contract carriers, freight forwarders, warehouse employees, and the U.S. Postal Service are exempt from these rules to the extent that they transport or store radioactive material in the regular course of carriage for another or of storage incident thereto.

641—37.4(136C) Records. Each licensee and registrant shall maintain records showing the receipt, transfer, and disposal of all sources of radiation. Additional record requirements are specified elsewhere in these rules.

37.4(1) *Electronic records.*

a. A record or signature cannot be denied legal effect or enforceability solely because it is in electronic form.

b. A contract cannot be denied legal effect or enforceability solely because an electronic record was used in its formation.

c. If a rule requires a record to be in writing, an electronic record will satisfy the rule.

d. If a rule requires a signature, an electronic signature will satisfy the rule.

37.4(2) *Inspections.*

a. Each licensee and registrant shall afford the department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

b. Each licensee and registrant shall make available to the department for inspection, upon reasonable notice, records maintained pursuant to these rules.

37.4(3) *Tests.* Each licensee and registrant shall perform upon instructions from the department, or shall permit the department to perform, such reasonable tests as the department deems appropriate or necessary, including but not limited to tests of:

a. Sources of radiation;

b. Facilities wherein sources of radiation are used or stored;

c. Radiation detection and monitoring instruments;

d. Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

641—37.5(136C) Units of exposure and dose.

37.5(1) As used in these rules, the quality factors for converting absorbed dose to dose equivalent are shown in Table I.

TABLE I

QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent[1]
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

[1.] Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 sievert.

a. If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in sievert per hour or rem per hour, as provided in Table 1 above, 1 rem (0.01 Sv) of neutron radiation of unknown energies may, for purposes of these rules, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

	Neutron Energy (MeV)	Quality Factor[a] (Q)	Fluence per Unit Dose Equivalent[b] (neutrons cm^{-2} rem^{-1})	Fluence per Unit Dose Equivalent[b] (neutrons cm^{-2} Sv^{-1})
(thermal)	2.5E–8	2	980E+6	980E+8
	1E–7	2	980E+6	980E+8
	1E–6	2	810E+6	810E+8
	1E–5	2	810E+6	810E+8
	1E–4	2	840E+6	840E+8
	1E–3	2	980E+6	980E+8
	1E–2	2.5	1010E+6	1010E+8
	1E–1	7.5	170E+6	170E+8
	5E–1	11	39E+6	39E+8
	1	11	27E+6	27E+8
	2.5	9	29E+6	29E+8
	5	8	23E+6	23E+8
	7	7	24E+6	24E+8
	10	6.5	24E+6	24E+8
	14	7.5	17E+6	17E+8
	20	8	16E+6	16E+8
	40	7	14E+6	14E+8
	60	5.5	16E+6	16E+8
	1E+2	4	20E+6	20E+8
	2E+2	3.5	19E+6	19E+8
	3E+2	3.5	16E+6	16E+8
	4E+2	3.5	14E+6	14E+8

a. Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.
b. Monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.

b. The department may, by rule, regulation, or order, impose upon any licensee or registrant such requirements in addition to those established in these rules as it deems appropriate or necessary to minimize danger to public health and safety or property.

37.5(2) Reserved.

641—37.6(136C) Prohibited uses. A hand-held fluoroscopic screen cannot be used with X-ray equipment unless it has been accepted for certification by the U.S. Food and Drug Administration, Center for Devices and Radiological Health. A shoe-fitting fluoroscopic device cannot be used. Radiation from radiation-emitting machines or radioactive materials cannot be used on humans for nonmedical purposes except as approved by the department for security-related purposes.

641—37.7(136C) Communications. All communications and reports concerning these rules should be submitted electronically to radhealthinfo@hhs.iowa.gov or addressed to the department at its office located at the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319.

37.7(1) Drafts of proposed regulations released to the department from the federal government that constitute essential information needed by the department to ensure compliance with federal regulations are not available for public examination.

37.7(2) Therefore, pursuant to Iowa Code section 22.9, the department waives the provision of Iowa Code section 22.2 as it applies to these proposed draft regulations.

641—37.8(136C) Requirements for registrations.

1. Any persons applying for a permit to operate ionizing radiation producing machines or administer radioactive materials shall comply with the requirements of 641—Chapter 38.

2. Any persons applying for a radioactive materials license shall comply with the licensing requirements of 641—Chapter 39 and the requirements of this chapter.

3. All mammography facilities shall comply with the registration requirements of 641—Chapter 41 and the requirements of this chapter.

37.8(1) *Exemptions.*

a. The following are exempt from the requirements of this chapter:

(1) Electronic equipment that produces radiation incidental to its operation for other purposes, provided the dose equivalent rate averaged over an area of 10 square centimeters does not exceed 0.5 millirem (5 μSv) per hour at 5 centimeters from any accessible surface of such equipment. This exemption does not apply to the production, testing, or factory servicing of such equipment.

(2) Radiation machines while in transit or temporarily stored as part of the transit process. This exemption does not apply to the providers of radiation machines for mobile services. Facilities that have placed all radiation machines in storage, including on-site storage, and have notified the department in writing are exempt. This exemption is void if any radiation machine is energized and produces radiation.

(3) Domestic television receivers.

(4) Inoperable radiation machines. For the purposes of this chapter, "inoperable radiation machine" means a radiation machine that cannot be energized when connected to a power supply without repair or modification.

(5) Financial institutions that take possession of radiation machines as the result of foreclosure, bankruptcy, or other default of payment, to the extent that the machines are demonstrated to be operable for the sole purpose of sale, lease, or transfer.

b. Each registrant shall prohibit any person from furnishing radiation machine servicing or services as described in paragraph 37.8(3)*"c"* to the registrant's radiation machine facility until such person provides evidence that the person has been registered with the department as a provider of these services.

37.8(2) *Registration requirements for radiation machine facilities.* Each person having a radiation machine facility shall apply for registration of such facility with the department prior to the operation of a radiation machine facility.

a. Application for registration shall be submitted to the department through the online licensing portal using the application furnished by the department. The application shall:

(1) Contain complete and accurate information as required by the department;

(2) Include the appropriate fee specified in rule 641—37.9(136C).

b. The applicant shall designate on the application form the name of an individual who will be responsible for radiation protection.

(1) All radiation machine registrants shall designate an individual who has authority to make decisions and conduct assessments related to radiation protection and regulatory compliance at the facility.

(2) Healing arts. A practitioner licensed by the respective state board of examiners and responsible for directing the operation of radiation machines shall be designated on each healing arts application. The signature of the administrator, president, or chief executive officer will be accepted in lieu of a

licensed practitioner's signature if the facility has more than one licensed practitioner (for example, hospitals, large clinics, or multipractitioner practices).

37.8(3) *Registration requirements for radiation machine service providers.* Each person who is engaged in the business of installing or offering to install radiation machines, or providing or offering to provide radiation machine servicing or services, within this state shall apply for registration with the department prior to installing, providing, or offering to provide such services.

a. *Application.* Registration shall be submitted to the department through the online licensing portal using the application furnished by the department. The application shall:

(1) Contain complete and accurate information as required by the department;

(2) Include the appropriate fee specified in rule 641—37.9(136C).

b. *Contents.* Each person applying for registration as a service provider shall specify:

(1) That the person has read and understands the requirements of these rules;

(2) The services for which he or she is applying for registration;

(3) The training and experience that qualify the person to discharge the services for which the person is applying for registration;

(4) The type of measurement instrument to be used, frequency of calibration, and source of calibration;

(5) The type of personnel dosimeters supplied, frequency of reading, and replacement or exchange schedule.

c. *Services requiring an application.* Services requiring registration include but are not limited to:

(1) Installation and servicing of radiation machines and associated radiation machine components;

(2) Calibration of radiation machines or radiation measurement instruments or devices;

(3) Radiation protection or health physics consultations or surveys;

(4) Personnel dosimetry services;

(5) Provider of equipment;

(6) Shielding design and evaluation;

(7) Processor or processor servicing, or both;

(8) Calibration and compliance surveys of external beam radiation therapy units;

(9) Qualified expert services for CT equipment;

(10) Qualified expert services for e-brachytherapy;

(11) Qualified expert services for therapeutic machines.

37.8(4) *Registration requirements for qualified experts for services.* A qualified expert may perform services after registering as a radiation machines service provider, whether as an individual, as part of a corporation, or as any other entity included in the definition of "person" in this chapter.

a. Each qualified expert must possess the necessary knowledge and training to measure ionizing radiation, evaluate safety practices, and provide guidance on radiation protection. Examples of individuals who may qualify include:

(1) Persons certified in the appropriate field by the American Board of Radiology, American Board of Medical Physics, or American Board of Health Physics or those with equivalent qualifications.

(2) For calibration of radiation therapy equipment, persons who, in addition to the qualifications above, have training and experience in the clinical applications of radiation physics to radiation therapy, including individuals certified in therapeutic radiological physics, X-ray and radium physics by the American Board of Radiology, or those with equivalent qualifications.

b. Each qualified expert or registered radiation machines service provider must maintain documentation demonstrating that the training requirements for the services provided under this chapter have been met. This documentation must be retained and made available to the department upon request.

37.8(5) *Stated notice.* No persons shall perform services that are not specifically stated on the notice of registration issued by the department.

a. A registration may be revoked for violating or causing a facility to violate any of the rules in 641—Chapter 38 through 42.

b. Radiation therapy physicists providing services for therapeutic radiation machines must provide proof that the training requirements of rule 641—42.6(136C) have been met at the time of the application and upon request by the department.

c. Mammography physicists providing services for mammography radiation machines must provide proof that the training requirements of 641—Chapter 41 have been met at the time of the application and upon request by the department.

37.8(6) *Issuance of notice of registration.*

a. Upon a determination that an applicant meets the requirements of this chapter, the department will issue a notice of registration.

b. The department may incorporate in the notice of registration at the time of issuance or thereafter by appropriate rule, regulation, or order such additional requirements and conditions with respect to the registrant's receipt, possession, use, and transfer of radiation machines as it deems appropriate or necessary.

37.8(7) *Expiration of notice of registration.* Each notice of registration will expire annually.

37.8(8) *Renewal of notice of registration.* An application for renewal of registration shall be submitted annually in accordance with the requirements of this chapter.

37.8(9) *Reinstatement of registration.*

a. An application for reinstatement of registration shall be submitted to the department when a registration has not been renewed within 30 days following the expiration date in accordance with this chapter.

b. The annual registration fee, as specified in Iowa Code section 39.9, shall be submitted to the department at the time of reinstatement.

c. A reinstatement fee of $100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

37.8(10) *Report of changes.* The registrant shall notify the department in writing before making any change that would render the information contained in the application for registration or the notice of registration no longer accurate.

37.8(11) *Approval not implied.* No person, in any advertisement, shall refer to the fact that the person or the person's facility is registered with the department pursuant to the provisions of this chapter, and no person shall state or imply that any activity under such registration has been approved by the department.

37.8(12) *Assembler and transfer obligation.*

a. Any person registered under the requirements of this chapter who sells, leases, transfers, lends, disposes of, assembles, or installs radiation machines in this state shall notify the department in writing within 15 days following the completion of the service and shall include all of the following:

(1) The name and address of persons who have received these machines;

(2) The manufacturer, model, and serial number of each radiation machine transferred;

(3) The date of transfer of each radiation machine.

b. No person shall make, sell, lease, transfer, lend, assemble, or install radiation machines or the supplies used in connection with such machines unless such supplies and equipment, when properly placed in operation and used, meet the requirements of 641—Chapters 38, 39, 40 and 41.

c. In the case of diagnostic X-ray systems that contain certified components, a copy of the assembler's report prepared in accordance with the requirements of the federal diagnostic X-ray standard (21 CFR 1020.30(d)) shall be submitted to the department within 15 days following completion of the assembly. Such report shall suffice in lieu of any other report by the assembler.

641—37.9(136C) Fees. Fees are nonrefundable and are in amounts sufficient to defray the cost of administering the rules of this chapter.

37.9(1) *Radiation machines.* Each registrant shall, at the time of registration and annually thereafter, as long as the registrant owns the radiation machine, remit the applicable fee to the department in adherence with the fee schedule below:

a. Fee schedule. The fees to be paid shall be in the amount computed by the following schedule. Fees for radiation machines not listed in the schedule below cannot be less than $120 per unit/tube.

b. Annual fee schedule.

Type of radiation machine		Fee per tube	Maximum fee
1.	Medical	$120	$3,000
2.	Medical Cabinet X-ray Machine (Nonhuman Use)	$100	—
3.	Osteopathy	$120	$3,000
4.	Chiropractic	$120	$3,000
5.	Dentistry	$60	$1,550
6.	Podiatry	$75	$2,000
7.	Veterinary Medicine	$60	—
8.	Industrial/Nonmedical Use	$100	—
9.	Food Sterilization	$500	—
10.	Accelerators and Electronic Brachytherapy Units	$275	—
11.	Electron Microscope	$40	—
12.	DXA/Bone Densitometry	$55	—

37.9(2) *Radiation machine service providers and medical physicists.*

a. Radiation machine service providers.

(1) Each person who is engaged in the business of installing or offering to install radiation machines or providing or offering to provide radiation machine servicing or services within this state shall apply for registration with the department prior to installing, providing, or offering to provide such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of $200.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.
2. A reinstatement fee of $100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

b. Mammography medical physicist.

(1) Each person engaged in providing health physics services for mammography in Iowa who meets the requirements of 641—paragraph 41.3(1)*"c"* shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of $100.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.
2. A reinstatement fee of $100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

c. Stereotactic medical physicist.

(1) Each person engaged in providing health physics services for stereotactic breast biopsy in Iowa who meets the requirements of 641—Chapter 41 shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;

2. Demonstrate that the requirements for Iowa approval for mammography, as specified in this chapter, have been met prior to approval for stereotactic breast biopsy;

3. Not require a fee beyond the initial annual nonrefundable fee of $100 required for Iowa approval in mammography.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

d. Radiation therapy medical physicist.

(1) Each person engaged in providing health physics services for radiation therapy in Iowa who meets the requirements of 641—Chapter 42 shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;

2. Include the annual nonrefundable fee of $200.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.

2. A reinstatement fee of $100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

37.9(3) *Inspections/interpretation fees for radiation machines.* Each registrant shall, where appropriate, pay the following special inspections/interpretation fee at the written request of the department:

a. Mammography and stereotactic breast biopsy.

(1) Mammography unit inspections fees:

1. $1,575 for the first unit and, if the facility has additional units at the address of the first unit, $375 for each additional unit; or

2. $1,575 per portable unit for each site; or

3. A dollar amount to be determined and justified by the department on a case-by-case basis for facilities that do not meet the above criteria; or

4. $675 for the second facility follow-up visit to review or determine the corrective action taken to address noncompliances; or

5. $1,575 for each stereotactic breast biopsy unit.

(2) All mammography facilities providing services in Iowa must submit a $150 annual authorization certification fee.

b. Accelerators and electronic brachytherapy.

(1) Industrial and oncology accelerator registrants and electronic brachytherapy registrants shall pay for each inspection a fee of $900 for the first unit and $225 for each additional unit.

(2) Industrial radiography X-ray units/walk-in cabinet radiography X-ray unit registrants shall pay for each inspection a fee of $450 for the first unit and $130 for each additional unit.

37.9(4) *Radioactive materials.* Fees associated with the possession and use of radioactive materials in Iowa cannot exceed those specified in 10 CFR 170.31 and 171.16.

a. The following fee schedule will apply:

	Program Code	Category	Type	New License Fee	Inspection Priority	Annual Fee
(3.L.)	01100	AAB	Academic Type A Broad	$5,400	1	$14,600

	Program Code	Category	Type	New License Fee	Inspection Priority	Annual Fee
(8.A.)	03710	CD	Civil Defense	$2,500	5	$2,000
(3.E.)	03510	I1	Irradiators, Self-Shielding <10,000 Curies	$3,200	5	$2,600
(3.O.)	03320	IR1	Industrial Radiography – Temporary Job Sites	$3,100	1	$8,000
(3.P.)	03120	FG	Measuring Systems – Fixed Gauge	$3,400	5	$2,000
(3.P.)	03121	PG	Measuring Systems – Portable Gauge	$3,400	5	$2,000
(3.P.)	02410	IVL	*In-Vitro* Testing Laboratory	$3,400	5	$2,000
(7.C.)	02230	HDR	High Dose Rate Afterloader	$5,500	1	$5,100
(7.C.)	02120	M1	Medical – Diagnostic & Therapy	$5,500	3	$4,000
(7.C.)	02121	M2	Medical – Diagnostic Only	$5,500	4	$3,600
(7.C.)	02240	MET	Medical – Diagnostic, Therapeutic, Emerging Technologies	$5,500	2	$4,500
(3.S.)	03210	PET	Accelerator-Produced RAM	$7,500	1	$5,375
(3.C.)	02500	NP	Nuclear Pharmacy	$5,100	1	$7,700
(7.C.)	02231	NV1	Nuclear Medical Van	$4,140	2	$4,000
(7.C.)	22160	PMM	Pacemaker – Byproduct and/or SNM	$2,600	R	Note 6
(3.M.)	03620	RD2	Research & Development – Other	$4,375	3	$4,000
(2.C.)	11300	SM1	Source Material, Other, >150 Kilograms	$2,600	3	$4,000
(1.D.)	22120	SNM2	SNM Plutonium – Neutron Source	$2,600	5	$3,750
(3.P.)	03221	CAL	Calibration and W/L Tests	$2,275	5	$3,900
(3.P.)	03122	XRF	X-Ray Fluorescent Analyzer	$2,275	5	$1,860
(3.P.)	02400	VMT	Veterinary Medicine – Therapy	$3,250	3	$3,900
(3.B.)	03214	MD	Manufacturing/Distribution	$3,500	3	$3,980

b. Additional fees for radioactive materials not listed in the above schedule include:

(1) Annual fees that are due no later than September 1 of each year.

(2) Licensees with more than two authorized locations of use will be charged an additional 10 percent of the annual fee, per location.

(3) A 10 percent reinstatement fee will be due when annual fees have not been submitted within 30 days following the annual due date.

(4) Inspections are included in the annual fee.

(5) A general license registration fee of $700 is due annually on the registration anniversary.

(6) A license amendment fee for all categories is $600.

(7) A reciprocity fee of $1,800 is due annually (180 days).

(8) Inspection priorities are based on NRC Inspection Manual Chapter 2800 as amended to August 1, 2025. Priority "R" is a remote contact and is not considered an inspection.

c. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses with the department.

37.9(5) *Radioactive material transport fee schedule.* All shippers shall pay the following fee(s) unless the department obtains sufficient funding from another source, which may include but is not limited to a federal agency or a contract with a shipper.

a. $1,800 per highway cask for each truck shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or highway route controlled quantity of radioactive materials or any material shipped in accordance with this chapter traversing the state or any portion thereof. Single cask truck shipments are subject to a surcharge of $20 per mile for every mile over 250 miles traveled.

b. $1,300 for the first cask and $125 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or any material shipped in accordance with this chapter traversing the state or any portion thereof.

c. $175 for each shipment by truck or by rail paid by the shipper for low-level radioactive waste shipped in or across Iowa. The department may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment. This fee applies to waste shipped to a site authorized by a government agency to receive low-level radioactive waste or shipped to a storage site to be held for future disposal.

d. All fees must be paid by the shipper prior to shipment. Shippers must request an application for a permit to ship radioactive material from the Iowa department of transportation, motor vehicle division. Assistance may be obtained by calling the department. Other methods of fee payment may be considered by the department on a case-by-case basis upon request of the shipper. A request for an alternative method of payment must be made to the department prior to shipment.

e. All fees received pursuant to subrule 37.9(5) shall be used for purposes related to transporting radioactive material, including enforcement and planning, developing, and maintaining a capability for emergency response.

37.9(6) *Additional fees.*

a. *Owner-assessed expenses.* In cases in which the department determines that the cost of regulating or inspecting registered radiation machine facilities or radioactive materials licensees significantly exceeds the fees charged to the facility, it may assess an additional fee to the owner or user of the source(s) of radiation to cover the actual expenses incurred by the department.

b. *Environmental surveillance fee.* A fee may be levied against any licensee, registrant, corporation, company, business, or individual for environmental surveillance activities that are necessary to assess the radiological impact of activities conducted by the licensee, registrant, corporation, company, business, or individual. This fee will be sufficient to defray actual costs incurred by the department, including but not limited to salaries of department employees, per diem, travel, and costs of laboratory analysis of samples when required.

c. *Returned check and late fees.* Persons who fail to pay required fees to the department are subject to the following penalties:

(1) $40 for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

(2) $100 reinstatement fee when a registration has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual registration fees.

d. *Reciprocity.* Fees paid for reciprocal recognition of out-of-state persons wishing to utilize radiation machines or radioactive materials in Iowa allow the out-of-state person to operate for a total of 180 days during the 365-day reciprocity period starting the date the fee is received by the department.

(1) Radiation machines. Any out-of-state person who wishes to bring an X-ray machine into the state to perform work or services shall register and pay a radiation machines fee in accordance with 641—subrule 38.8(1).

(2) Linear accelerators. Any out-of-state person who wishes to bring a linear accelerator into the state to perform work or services shall register and pay a fee of $500 in accordance with 641—subrule 38.8(1).

(3) Radioactive materials. Out-of-state persons wishing to bring sources of radioactive material into Iowa for business purposes may be subject to a reciprocity fee depending on the type of activity to be performed and the type of radioactive materials license possessed. If a reciprocity fee is applicable, it will be assessed at the rate for reciprocity specified in the radioactive materials fee schedule available through the department for each 365-day reciprocity period. Additionally, the reciprocity requirements of 641—Chapter 39 shall apply.

e. *Fee waiver.* Any fee may be waived in exchange for services (low-level waste disposal, radiation detection instrument calibration, instrument repair, sample analysis, etc.) provided to the department. The waiver may only occur as a result of a 28E agreement or memorandum of understanding between the parties.

641—37.10(136C) Administrative enforcement actions. This rule prescribes the procedure in cases initiated by the staff, or upon a request by any person, to impose requirements by order; to modify, suspend, or revoke a license, registration, or certificate; or to take other action as may be proper against any person subject to the jurisdiction of the department.

1. The term "regulated entity" as used in this rule refers to any facility, person, partnership, corporation or other organization that is regulated by the department by virtue of these rules, the Iowa Code, licensing documents, registrations, certificates, or other official regulatory promulgation.

2. "Authorization" means license, registration, certificate, permit, or any other document issued or received by the department that authorizes specific activities related to the possession and use of radioactive materials or radiation-producing machines in Iowa.

3. This rule also prescribes the procedures in cases initiated by the staff to impose civil penalties pursuant to Iowa Code section 136C.4.

37.10(1) *Notice of violation.*

a. In response to an alleged violation of any provision of the Iowa Code, these rules, the conditions of an authorization issued by the department or any order issued by the department, the department may serve on the regulated entity a written notice of violation; a separate notice may be omitted if an order pursuant to subrule 37.10(2) or demand for information pursuant to subrule 37.10(4) is issued that otherwise identifies the apparent violation. The notice of violation will concisely state the alleged violation(s) and will require that the regulated entity submit, within 30 days of the date of the notice or other specified time, a written explanation or statement in reply including:

(1) Corrective steps that have been taken by the regulated entity and the results achieved;

(2) Corrective action that will be taken to prevent recurrence; and

(3) The date when full compliance will be achieved.

b. The notice may require the regulated entity subject to the jurisdiction of the department to admit or deny the violation and to state the reasons for the violation, if admitted. It may provide that, if an adequate reply is not received within the time specified in the notice, the department may issue an order or a demand for information as to why the authorization should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

c. Violations are categorized according to five levels of severity, which are:

(1) Severity levels I and II: Violations are of very significant regulatory concern involving actual or high potential impact on the public health and safety.

(2) Severity level III: Violations are cause for significant concern.

(3) Severity level IV: Violations are less serious but are of more than minor concern and that, if left uncorrected, could lead to a more serious health and safety concern.

(4) Severity level V: Violations are of minor safety or environmental concern.

d. A group of violations may be evaluated in the aggregate and assigned a single higher severity level if the violations have the same underlying cause or if the violations contributed to or were unavoidable consequences of the underlying problem.

e. The severity level of a violation may be increased if the violation can be considered a repetitive violation. The term "repetitive violation" or "similar violation" means a violation that reasonably could have been prevented by a regulated entity's corrective action for a previous violation normally occurring within the past two years of the inspection at issue or the period within the last two inspections, whichever is longer.

f. The severity level of a violation may be increased if the violation involves casual disregard of requirements, deception, or other indications of willfulness. The term "willfulness" is that characteristic of violations ranging from deliberate intent to violate or falsify to intentional disregard for regulatory requirements.

37.10(2) *Enforcement orders.*

a. The department may institute a proceeding to modify, suspend, or revoke an authorization or to take other action as may be proper by serving on the regulated entity an order that will:

(1) Allege the violations with which the regulated entity is charged or the potentially hazardous conditions or other facts deemed to be sufficient grounds for the proposed action;

(2) Provide that the regulated entity may file a written answer to the order under oath or affirmation within 20 days of its date or such other time as may be specified in the order;

(3) Inform the regulated entity of its right, within 20 days of the date of the order or such other time as may be specified in the order, to demand a hearing on all or part of the order, except in a case where the regulated entity has consented in writing to the order;

(4) Specify the issues for hearing; and

(5) State the effective date of the order; if the department finds that the public health, safety, or interest so requires or that the violation or conduct causing the violation is willful, the order may provide, for stated reasons, that the proposed action be immediately effective pending further order.

b. A regulated entity who receives an order may respond to an order under subrule 37.10(2) by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the order and may set forth the matters of fact and law on which the regulated entity relies and, if the order is not consented to, the reasons as to why the order should not have been issued. Except as provided in paragraph 37.10(2)*"d,"* the answer may demand a hearing.

c. If the answer demands a hearing, the department will issue an order designating the time and place of hearing.

d. An answer or stipulation may consent to the entry of an order in substantially the form proposed in the order with respect to all or some of the actions proposed in the order. The consent, in the answer or other written document, of the regulated entity to whom the order has been issued shall constitute a waiver by the regulated entity of a hearing, findings of fact and conclusions of law, and of all right to seek department and judicial review or to contest the validity of the order in any forum as to those matters that have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to shall have the same force and effect as an order made after hearing by a presiding officer or the department and shall be effective as provided in the order.

37.10(3) *Settlement and compromise.* At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend, or revoke an authorization, the staff and a regulated entity may enter into a stipulation for the settlement of the proceeding or the compromise of a civil penalty.

37.10(4) *Demand for information.*

a. The department may issue to a regulated entity a demand for information for the purpose of determining whether an order under subrule 37.10(2) should be issued, or whether other action should be taken, which demand will:

(1) Allege the violations with which the regulated entity is charged or the potentially hazardous conditions or other facts deemed to be sufficient ground for issuing the demand; and

(2) Provide that the regulated entity must file a written answer to the demand for information under oath or affirmation within 20 days of its date or such time as may be specified in the demand for information.

b. A regulated entity to whom the department has issued a demand for information under subrule 37.10(4) must respond to the demand by filing a written answer under oath or affirmation. The regulated entity's answer shall specifically admit or deny each allegation or charge made in the demand for information and shall set forth the matters of fact and law on which the licensee relies. A person other than a licensee may answer as described above, or by setting forth the reasons why the demand should not have been issued and, if the requested information is not provided, the reasons why it is not provided.

c. Upon review of the answer filed pursuant to subparagraph 37.10(4)*"a"*(2), or if no answer is filed, the department may institute a proceeding pursuant to subrule 37.10(2) to take such action as may be proper.

d. An answer may consent to the entry of an order pursuant to subrule 37.10(2) in substantially the form proposed in the demand for information. Such consent shall constitute a waiver as provided in subrule 37.10(2).

37.10(5) *Civil penalties.*

a. Before instituting any proceeding to impose a civil penalty under Iowa Code section 136C.4, the department will serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to subrule 37.10(2). The notice of violation will:

(1) Specify the date or dates, facts, and nature of the alleged act or omission with which the person is charged;

(2) Identify specifically the particular provision or provisions of the law, rule, regulation, license, permit, or cease and desist order involved in the alleged violation;

(3) State the amount of each proposed penalty;

(4) Advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation or showing extenuating circumstances;

(5) Advise the person charged that upon failure to pay a civil penalty subsequently determined by the department, if any, unless compromised, remitted, or mitigated, the fee will be collected by civil action pursuant to Iowa Code section 136C.4.

b. Within 20 days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments denying the charges of violation or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.

c. If the person charged with violation fails to answer within the time specified in paragraph 37.10(5)*"b,"* an order may be issued imposing the civil penalty in the amount set forth in the notice of violation described in paragraph 37.10(5)*"a."*

d. If the person charged with violation files an answer to the notice of violation, the department, upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within 20 days of the date of the order or other time specified in the order, request a hearing.

e. If the person charged with violation requests a hearing, the department will issue an order designating the time and place of hearing.

f. If a hearing is held, an order will be issued after the hearing by the presiding officer or the department dismissing the proceeding or imposing, mitigating, or remitting the civil penalty.

g. The department may compromise any civil penalty, subject to the provisions of 641—paragraph 38.18(2)*"d."*

h. If the civil penalty is not compromised, or is not remitted by the presiding officer or the department, and if payment is not made within ten days following either the service of the order described in 641—paragraph 38.18(2)*"a"* or the expiration of the time for requesting a hearing described in 641—subparagraph 38.18(2)*"a"*(3), the department may refer the matter to the attorney general for collection.

i. Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the state, following reference of the matter to the attorney general for collection, payment of civil penalties imposed under Iowa Code section 136C.4 shall be made by check, draft, or money order payable to the Iowa Department of Health and Human Services.

37.10(6) *Requests for action under this rule.*

a. Any person may file a request to institute a proceeding pursuant to rule 641—38.18(136C) to modify, suspend, or revoke an authorization as may be proper. Such a request shall be addressed to the Chief, Bureau of Radiological Health, Iowa Department of Health and Human Services, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The request shall specify the action requested and set forth the facts that constitute the basis for the request. The bureau chief will discuss the matter with staff to determine appropriate action.

b. Within a reasonable time after a request pursuant to 641—paragraph 38.18(2)*"b"* has been received, the bureau chief shall either institute the requested proceeding in accordance with this rule or advise the person who made the request in writing that no proceeding will be instituted, in whole or in part, with respect to the request, and the reasons for the decision.

c. The bureau chief's decisions under this rule will be filed and within 25 days after the date of the bureau chief's decision under this rule that no proceeding will be instituted or other action taken in whole or in part, the department may on its own motion review that decision, in whole or in part, to determine if the bureau chief has abused discretion. This review power does not limit in any way either the department's supervisory power over delegated staff actions or the department's power to consult with the staff on a formal or informal basis regarding institution of proceedings under this rule.

d. No petition or other request for department review of a bureau chief's decision under this rule will be entertained by the department.

37.10(7) *Impounding.*

a. The department may impound or order the impounding of radioactive material in the possession of a person who fails to observe the provisions of Iowa Code chapter 136C or any rules, license or registration conditions, or orders issued by this department.

b. If department action is necessary to protect the public health and safety, no prior notice need be given the owner or possessor. If department action is not necessary to protect the public health and safety, the department will give to either the owner or the possessor of the source of radiation written notice of the intention to impound the source of radiation.

(1) Either the owner or the possessor shall have 20 days from the date of personal service of certified mailing to request a hearing, except in the case where the regulated entity has consented in writing to the impoundment.

(2) If a hearing is requested, the department will issue an order designating the time and place of hearing.

c. At the department's direction, the impounded sources of radiation may be disposed of by any of the following:

(1) Returning the source of radiation to a properly licensed or registered owner who did not cause the emergency;

(2) Returning the source of radiation to a licensee or registrant after the emergency is over and after settlement of any compliance action;

(3) Selling, destroying, or disposing of the source of radiation in another manner within the department's discretion.

37.10(8) *Deliberate misconduct.*

a. Any licensee, registrant, applicant for a license or certificate of registration, employee of a licensee, registrant or applicant, or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or registrant or applicant for a license or certificate of registration, who knowingly provides to any licensee, applicant, registrant, contractor, or subcontractor any components, equipment, materials, or other goods or services that relate to a licensee's, registrant's or applicant's activities in this rule, shall not:

(1) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license or registration issued by the department; or

(2) Deliberately submit to the department; a licensee, registrant, or applicant; or a licensee's, registrant's, or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the department.

b. A person who violates 641—subparagraphs 37.10(8)*"a"*(1) and *"a"*(2) may be subject to enforcement action in accordance with the procedures in rule 641—38.17(136C).

c. For the purposes of this chapter, deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license issued by the department; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, registrant, applicant, contractor, or subcontractor.

641—37.11(136C) Standards for protection against radiation. The provisions in this rule pertaining to radioactive materials are consistent with the requirements of 10 CFR Parts 19 and 20, as incorporated by reference in 641—Chapter 39. Accordingly, the provisions of 641—Chapter 39 apply to corresponding rules and subrules of this chapter. The requirements of this chapter are in addition to, and not in substitution for, any applicable provisions of 641—Chapter 39.

37.11(1) *Implementation of standards for protection against radiation.*

a. Any existing license or registration condition that is more restrictive than this chapter remains in force until there is an amendment or renewal of the license or registration.

b. If a license or registration condition exempts a licensee or registrant from a provision of this chapter in effect on or before January 1, 1994, it also exempts the licensee or registrant from the corresponding provision of this chapter.

c. If a license or registration condition cites provisions of this chapter in effect prior to January 1, 1994, that do not correspond to any provisions of this chapter, the license or registration condition remains in force until there is an amendment or renewal of the license or registration that modifies or removes this condition.

37.11(2) *Radiation protection programs.*

a. Each licensee or registrant shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of this chapter. Subrule 37.12(3) contains recordkeeping requirements relating to these programs.

b. The licensee or registrant shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and public doses that are ALARA.

c. The licensee or registrant shall, at intervals not to exceed 12 months, review the radiation protection program content and implementation.

d. To implement the ALARA requirements of 641—paragraph 40.4(9)*"b,"* and notwithstanding the requirements in subrule 37.11(12), a constraint on air emissions of radioactive material to the environment, excluding radon-222 and its daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 10 mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in subrule 37.13(4) and promptly take appropriate corrective action to ensure against recurrence.

e. The licensee or registrant shall, upon discovery of a reportable radiation incident or medical event, as described in this chapter, promptly take appropriate action in accordance with the rules within this chapter.

37.11(3) *Occupational dose limits for adults.*

a. The licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures pursuant to subrule 37.11(8), to the following dose limits:

(1) An annual limit, which is the more limiting of:

1. The total effective dose equivalent being equal to 5 rem (0.05 Sv); or

2. The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rem (0.5 Sv).

(2) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities that are:

1. A lens dose equivalent of 15 rem (0.15 Sv), and

2. A shallow dose equivalent of 50 rem (0.5 Sv) to the skin of the whole body or to the skin of any extremity.

b. Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime.

c. When the external exposure is determined by measurement with an external personal monitoring device, the deep dose equivalent must be used in place of the effective dose equivalent unless the effective dose equivalent is determined by a dosimetry method approved by the department. The assigned deep dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep dose equivalent, lens dose equivalent, and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

d. Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in Table I of 10 CFR Part 20, Appendix B, and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits set forth in this chapter.

e. Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (footnote 3 of 10 CFR Part 20, Appendix B, contains more information).

f. The licensee or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person as set forth in this chapter.

37.11(4) *Compliance with requirements for summation of external and internal doses.*

a. Monitor. If the licensee or registrant is required to monitor pursuant to subrule 37.11(14) the licensee or registrant shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee or registrant is required to monitor only pursuant to subparagraph 37.11(14)*"a"*(1), or only pursuant to subparagraph 37.11(14)*"a"*(2), then summation is not required to demonstrate compliance with the dose limits. The licensee or registrant may demonstrate compliance with the requirements for summation of external and internal doses pursuant to subrule 37.11(4). The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation but are subject to separate limits.

b. Intake by inhalation. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

(1) The sum of the fractions of the inhalation ALI for each radionuclide, or

(2) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000; or

(3) The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors (wT) and the committed dose equivalent (HT,50) per unit intake is greater than 10 percent of the maximum weighted value of H50 (wTHT,50) per unit intake for any organ or tissue.

c. Intake by oral ingestion. If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than 10 percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

d. Intake through wounds or absorption through skin. The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for pursuant to subrule 37.11(4).

37.11(5) *Determination of external dose from airborne radioactive material.*

a. Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, lens dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud (footnotes 1 and 2 of 10 CFR Part 20, Appendix B, contain more information).

b. Airborne radioactivity measurements and DAC values cannot be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

37.11(6) *Determination of internal exposure.*

a. For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required pursuant to subrule 37.11(14), take suitable and timely measurements of:

(1) Concentrations of radioactive materials in air in work areas; or

(2) Quantities of radionuclides in the body; or

(3) Quantities of radionuclides excreted from the body; or

(4) Combinations of these measurements.

b. Unless respiratory protective equipment is used, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

c. When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee may:

(1) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record; and

(2) Upon prior approval of the department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and

(3) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide to the committed effective dose equivalent (10 CFR Part 20, Appendix B, contains more information).

d. If the licensee chooses to assess intakes of Class Y material, the licensee may delay the recording and reporting of the assessments for periods up to seven months unless otherwise required by 641—Chapter 39. This delay permits the licensee to make additional measurements basic to the assessments.

e. If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:

(1) The sum of the ratios of the concentration to the appropriate DAC value, that is, D, W, or Y, from 10 CFR Part 20, Appendix B, for each radionuclide in the mixture; or

(2) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

f. If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

g. When a mixture of radionuclides in air exists, a licensee may disregard certain radionuclides in the mixture if:

(1) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in subrule 37.11(11) and in complying with the monitoring requirements in subrule 37.11(13), and

(2) The concentration of any radionuclide disregarded is less than 10 percent of its DAC, and

(3) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

h. When determining the committed effective dose equivalent, the following information may be considered:

(1) In order to calculate the committed effective dose equivalent, the licensee or registrant may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed

effective dose equivalent of 5 rem (0.05 Sv) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

(2) For an ALI and the associated DAC determined by the nonstochastic organ dose limit of 50 rem (0.5 Sv), the intake of radionuclides that would result in a committed effective dose equivalent of 5 rem (0.05 Sv), that is, the stochastic ALI, is listed in parentheses in Table I of 10 CFR Part 20, Appendix B. The licensee or registrant may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose equivalent. However, if the licensee or registrant uses the stochastic ALI, the licensee or registrant shall also demonstrate that the limit in subparagraph 37.11(3)*"a"*(2) is met.

37.11(7) *Determination of prior occupational dose.*

a. For each individual who is likely to receive, in a year, an occupational dose requiring monitoring pursuant to this rule, the licensee or registrant shall:

(1) Determine the occupational radiation dose received during the current year; and

(2) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

b. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

(1) The internal and external doses from all previous planned special exposures;

(2) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual; and

(3) All lifetime cumulative occupational radiation dose.

c. In complying with the requirements of subrule 37.11(7), a licensee or registrant may:

(1) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year;

(2) Accept, as the record of lifetime cumulative radiation dose, a form signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and

(3) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, electronic media, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

d. The licensee or registrant shall record the exposure history as required by subrule 37.11(14).

(1) The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing the exposure history. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on the report indicating the periods of time for which data are not available.

(2) Licensees or registrants are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed pursuant to the rules in this chapter in effect on or before January 1, 1994. Further, occupational exposure histories obtained and recorded on or before January 1, 1994, would not have included effective dose equivalent but may be used in the absence of specific information on the intake of radionuclides by the individual.

e. If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(1) In establishing administrative controls pursuant to subrule 37.11(3) for the current year, that the allowable dose limit for the individual is reduced by 1.25 rem (12.5 mSv) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(2) That the individual is not available for planned special exposures.

f. The licensee or registrant shall retain the records in subrule 37.11(6) until the department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing any record for subrule 37.11(7) for three years after the record is made.

37.11(8) *Planned special exposures.* A licensee or registrant may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in subrule 37.11(8) provided that each of the following conditions is satisfied:

a. The licensee or registrant authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the dose estimated to result from the planned special exposure are unavailable or impractical.

b. The licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorizes the planned special exposure, in writing, before the exposure occurs.

c. Before a planned special exposure, the licensee or registrant ensures that each individual involved is:

(1) Informed of the purpose of the planned operation;

(2) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and

(3) Instructed in the measures to be taken to keep the dose ALARA, considering other risks that may be present.

d. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant ascertains prior doses as required by subrule 37.11(7) during the lifetime of the individual for each individual involved.

e. Subject to subrule 37.11(3), the licensee or registrant cannot authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed:

(1) The numerical values of any of the dose limits in subrule 37.11(3) in any year; and

(2) Five times the annual dose limits in subrule 37.11(3) during the individual's lifetime.

f. The licensee or registrant maintains records of the conduct of a planned special exposure in accordance with subrule 37.12(7) and submits a written report in accordance with subrule 37.13(8).

g. The licensee or registrant records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure. The dose from planned special exposures cannot be considered in controlling future occupational dose of the individual.

37.11(9) *Occupational dose limits for minors.* The annual occupational dose limits for minors are 10 percent of the annual dose limits specified for adult workers in subrule 37.11(3).

37.11(10) *Dose equivalent to an embryo or fetus.* The licensee or registrant shall ensure that the dose equivalent to an embryo or fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). Subrule 37.12(8) contains recordkeeping requirements.

a. The licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in subrule 37.12(8).

b. The dose equivalent to an embryo or fetus shall be taken as the sum of:

(1) The deep dose equivalent to the declared pregnant woman; and

(2) The dose equivalent to the embryo or fetus from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.

c. If by the time the woman declares pregnancy to the licensee or registrant, the dose equivalent to the embryo or fetus has exceeded 0.5 rem (5 mSv), or is within 0.05 rem (0.5 mSv) of this dose, the licensee or registrant shall be deemed to be in compliance with subrule 37.11(10) if the additional dose equivalent to the embryo or fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

d. The National Council on Radiation Protection and Measurements recommended in NCRP Report No. 91 "Recommendations on Limits for Exposure to Ionizing Radiation" (June 1, 1987) that no more than 0.05 rem (0.5 mSv) to the embryo or fetus be received in any one month.

37.11(11) *Radiation dose limits for individual members of the public.*

a. Each licensee or registrant shall conduct operations so that:

(1) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released from voluntary participation in medical research programs, and from the licensee's or registrant's disposal of radioactive material into sanitary sewerage, and

(2) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released, does not exceed 0.002 rem (0.02 millisievert) in any one hour.

b. If the licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

c. A licensee, a registrant, or an applicant for a license or registration may apply for prior department authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). This application shall include the following information:

(1) Demonstration of the need for and the expected duration of operations in excess of the limit in this subrule;

(2) The licensee's or registrant's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and

(3) The procedures to be followed to maintain the dose ALARA.

d. In addition to the requirements of this chapter, a licensee or registrant subject to the provisions of the U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190 as amended to August 1, 2025, shall comply with those standards.

e. The department may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

f. Notwithstanding the requirements of this subrule a licensee may permit visitors to an individual who cannot be released under 641—subrule 41.2(27) to receive a radiation dose greater than 0.1 rem (1 mSv) if:

(1) The radiation dose received does not exceed 0.5 rem (5 mSv); and

(2) The authorized user, as defined in rule 641—38.1(136C), has determined before the visit that it is appropriate.

37.11(12) *Compliance with dose limits for individual members of the public.*

a. The licensee or registrant shall make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in subrule 37.11(11).

b. A licensee or registrant shall show compliance with the annual dose limit in subrule 37.11(11) by:

(1) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual dose limit; or

(2) Demonstrating that:

1. The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table II of 10 CFR Part 20, Appendix B; and

2. If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 mSv) in an hour and 0.05 rem (0.5 mSv) in a year.

c. Upon approval from the department, the licensee or registrant may adjust the effluent concentration values in Table II of 10 CFR Part 20, Appendix B, for members of the public to take into account the actual physical and chemical characteristics of the effluents, such as aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form.

37.11(13) *Surveys and monitoring—general.*

a. Each licensee or registrant shall make, or cause to be made, surveys of areas, including the subsurface, that:

(1) Are necessary for the licensee or registrant to comply with this chapter; and

(2) Are necessary under the circumstances to evaluate:

1. The magnitude and extent of radiation levels;

2. Concentrations or quantities of residual radioactivity; and

3. The potential radiological hazards of the radiation levels and residual radioactivity detected.

b. Notwithstanding subrule 37.12(4), records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained. The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements, for example, dose rate and effluent monitoring, are calibrated at intervals not to exceed 12 months for the radiation measured, except when a more frequent interval is specified in another applicable part of these rules or a license condition.

c. All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees and registrants to comply with subrule 37.11(3) with other applicable provisions of these rules or with conditions specified in a license or registration shall be processed and evaluated by a dosimetry processor:

(1) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(2) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

d. The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

e. After replacement, each personnel dosimeter must be sent for processing as soon as possible.

37.11(14) *Conditions requiring individual monitoring of external and internal occupational dose.* Each licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this chapter. As a minimum:

a. Each licensee or registrant shall monitor occupational exposure to radiation and shall supply and require the use of individual monitoring devices by:

(1) Adults likely to receive, in one year from sources external to the body, a dose in excess of 10 percent of the limits in subrule 37.11(3);

(2) Minors likely to receive, in one year from sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 mSv);

(3) Individuals entering a high or very high radiation area;

(4) Individuals working with medical fluoroscopic equipment; and

(5) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv).

b. Each licensee or registrant shall monitor, to determine compliance with subrule 37.11(6), the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

(1) Adults likely to receive, in one year, an intake in excess of 10 percent of the applicable ALI in Table I, Columns 1 and 2, of Appendix B;

(2) Minors likely to receive, in one year, a committed effective dose equivalent in excess of 0.1 rem (1 mSv); and

(3) Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

c. Location of individual monitoring devices. Each licensee or registrant shall ensure that individuals who are required to monitor occupational doses in accordance with subrule 37.11(14) wear individual monitoring devices in accordance with the dosimetry vendor specifications and processed in accordance with NVLAP-approved calculation methods. Additional requirements are as follows:

(1) An individual monitoring device used for monitoring the dose to an embryo or fetus of a declared pregnant woman shall be located at the waist under any protective apron being worn by the woman;

(2) An individual monitoring device used for monitoring the eye dose equivalent, to demonstrate compliance with subrule 37.11(3) shall be located at the neck (collar), outside any protective apron being worn by the monitored individual or at an unshielded location closer to the eye;

(3) An individual monitoring device used for monitoring the dose to the extremities, to demonstrate compliance with subrule 37.11(3), shall be worn on the extremity likely to receive the highest exposure. Each individual monitoring device shall be oriented to measure the highest dose to the extremity being monitored.

37.11(15) *Control of exposure from external sources in restricted areas; control of access to high radiation areas.*

a. The licensee or registrant shall ensure that each entrance or access point to a high radiation area has one or more of the following features:

(1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the source of radiation from any surface that the radiation penetrates; or

(2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(3) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

b. In place of the controls required by subrule 37.11(15) for a high radiation area, the licensee or registrant may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

c. The licensee or registrant may apply to the department for approval of alternative methods for controlling access to high radiation areas.

d. The licensee or registrant shall establish the controls required by paragraph 37.11(15)*"a"* in a way that does not prevent individuals from leaving a high radiation area.

e. The licensee is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the rules of the U.S. Department of Transportation provided that:

(1) The packages do not remain in the area longer than three days; and

(2) The dose rate at 1 meter from the external surface of any package does not exceed 0.01 rem (0.1 mSv) per hour.

f. The licensee is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material provided that there are personnel in attendance who are taking the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits in this chapter and to operate within the ALARA provisions of the licensee's radiation protection program.

g. The licensee or registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area as described in subrule 37.11(15) if the registrant has met all the specific requirements for access and control specified in other applicable chapters.

37.11(16) *Control of exposure from external sources in restricted areas; control of access to very high radiation areas.*

a. In addition to the requirements in subrule 37.11(15), the licensee or registrant shall institute measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500 rad (5 Gy) or more in one hour at 1 meter from a source of radiation or any surface through which the radiation penetrates. This requirement does not apply to rooms or areas in which diagnostic X-ray systems are the only source of radiation, or to non-self-shielded irradiators.

b. The registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area if the registrant has met all the specific requirements for access and control specified in other applicable chapters.

37.11(17) *Control of exposure from external sources in restricted areas; control of access to very high radiation areas—irradiators.*

a. This rule applies to licensees with sources of radiation in non-self-shielded irradiators. This rule does not apply to sources of radiation that are used in teletherapy, in industrial radiography, or in completely self-shielded irradiators in which the source of radiation is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual.

b. Each area in which there may exist radiation levels in excess of 500 rad (5 Gy) in one hour at 1 meter from a source of radiation that is used to irradiate materials shall meet the following requirements:

(1) Each entrance or access point shall be equipped with entry control devices that:

1. Function automatically to prevent any individual from inadvertently entering a very high radiation area;

2. Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the source of radiation, to be reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

3. Prevent operation of the source of radiation if it would produce radiation levels in the area that could result in a deep dose equivalent to an individual in excess of 0.1 rem (1 mSv) in one hour.

(2) Additional control devices shall be provided so that, upon failure of the entry control devices to function as required by subrule 37.11(17):

1. The radiation level within the area, from the source of radiation, is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

2. Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard and at least one other authorized individual, who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices.

(3) The licensee shall provide control devices so that, upon failure or removal of physical radiation barriers other than the sealed source's shielded storage container:

1. The radiation level from the source of radiation is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

2. Conspicuous visible and audible alarm signals are generated to make potentially affected individuals aware of the hazard and the licensee or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier.

(4) When the shield for stored sealed sources is a liquid, the licensee shall provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.

(5) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of subparagraph 37.11(17)*"b"*(2).

(6) Each area shall be equipped with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source of radiation can be put into operation and in time for any individual in the area to operate a clearly identified control device, which must be installed in the area and which can prevent the source of radiation from being put into operation.

(7) Each area shall be controlled by use of such administrative procedures and such devices as are necessary to ensure that the area is cleared of personnel prior to each use of the source of radiation.

(8) Each area shall be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after any use of the source of radiation, the radiation level from the source of radiation in the area is below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour.

(9) The entry control devices required in subrule 37.11(17) shall be tested for proper functioning as set forth in subrule 37.12(11) for recordkeeping requirements.

1. Testing shall be conducted prior to initial operation with the source of radiation on any day unless operations were continued uninterrupted from the previous day;

2. Testing shall be conducted prior to resumption of operation of the source of radiation after any unintentional interruption; and

3. The licensee or registrant shall submit and adhere to a schedule for periodic tests of the entry control and warning systems. The licensee or registrant cannot conduct operations, other than those necessary to place the source of radiation in safe condition or to effect repairs on controls, unless control devices are functioning properly.

4. Entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, shall be controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for irradiated materials shall be equipped to detect and signal the presence of any loose radioactive material that is carried toward such an exit and to automatically prevent loose radioactive material from being carried out of the area.

c. Licensees, registrants, or applicants for licenses or registrations for sources of radiation within the purview of subrule 37.11(17) that will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of subrule 37.11(17) such as those for the automatic control of radiation levels, may apply to the department for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to those specified in subrule 37.11(17). At least one of the alternative measures shall include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such sources of radiation are used.

d. The entry control devices required by subrule 37.11(16) shall be established in such a way that no individual will be prevented from leaving the area.

37.11(18) *Security and control of licensed or registered sources of radiation.*

a. The licensee or registrant shall secure licensed or registered radioactive material that is stored in controlled or unrestricted areas from unauthorized removal or access.

b. The licensee or registrant shall maintain constant surveillance and use devices or administrative procedures to prevent unauthorized use of licensed or registered radioactive material that is in an unrestricted area and that is not in storage.

c. The registrant shall secure registered radiation machines from unauthorized removal.

d. The registrant shall use devices or administrative procedures to prevent unauthorized use of registered radiation machines.

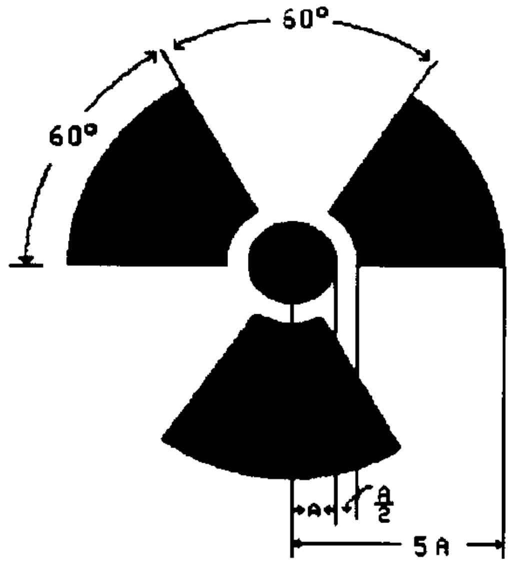
e. Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee.

37.11(19) *Precautionary procedures; caution signs.* Unless otherwise authorized by the department, the symbol prescribed by this rule shall use the colors magenta, purple, or black on yellow background. The symbol prescribed is the three-bladed design as follows.

a. Radiation symbol.

(1) Cross-hatched area is to be magenta, purple, or black, and

(2) The background is to be yellow.



b. Exception to color requirements for standard radiation symbol. Notwithstanding the requirements of subrule 37.11(19), licensees are authorized to label sources, source holders, or device components containing sources of radiation that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols and without a color requirement.

c. Additional information on signs and labels. In addition to the contents of signs and labels prescribed in this chapter, the licensee or registrant shall provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

d. Improper posting or labeling. The licensee or registrant shall ensure that adequate measures are taken to prevent improper posting or labeling.

37.11(20) *Precautionary procedures; posting requirements.*

a. Posting of radiation areas. The licensee or registrant shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA".

b. Posting of high radiation areas. The licensee or registrant shall post in each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA".

c. Posting of very high radiation areas. The licensee or registrant shall post in each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "GRAVE DANGER, VERY HIGH RADIATION AREA".

d. Posting of airborne radioactivity areas. The licensee shall post in each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA".

e. Posting of areas or rooms in which licensed or registered material is used or stored. The licensee shall post in each area or room in which there is used or stored an amount of licensed material exceeding ten times the quantity of such material specified in 10 CFR Part 20, Appendix C, with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

37.11(21) *Precautionary procedures; exceptions to posting requirements.*

a. A licensee or registrant is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight hours if each of the following conditions is met:

(1) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this chapter; and

(2) The area or room is subject to the licensee's or registrant's control.

b. Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to subrule 37.11(21) provided that the patient could be released from licensee control.

c. A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters from the surface of the sealed source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

d. A room or area is not required to be posted with a caution sign because of the presence of radiation machines used solely for diagnosis or simulation in the healing arts.

e. Rooms in hospitals or clinics that are used for teletherapy are exempt from the requirement to post caution signs under subrule 37.11(21) if:

(1) Access to the room is controlled pursuant to subrule 37.11(17); and

(2) Personnel in attendance take necessary precautions to prevent an inadvertent exposure of workers, other patients, and members of the public to radiation in excess of the limits established in this chapter.

37.11(22) *Precautionary procedures; labeling radiation machines.* Each registrant shall ensure that each radiation machine is labeled in a conspicuous manner that cautions individuals that radiation is produced when it is energized.

641—37.12(136C) Records.

37.12(1) *General provisions of measurement units.*

a. Each licensee or registrant shall use the special units curie, rad, rem and roentgen, counts per minute (cpm), disintegrations per minute (dpm), or the SI units becquerel, gray, sievert and coulomb per kilogram, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this chapter.

b. The licensee or registrant shall make a clear distinction among the quantities entered on the records required by this chapter, such as total effective dose equivalent, total organ dose equivalent, shallow dose equivalent, lens dose equivalent, deep dose equivalent, or committed effective dose equivalent.

c. In the records required by this chapter, the licensee may record quantities in SI units in parentheses following each of the units specified in subrule 37.12(1). However, all quantities must be recorded as stated in subrule 37.12(1).

d. Notwithstanding the requirements of subrule 37.12(1), when recording information on shipment manifests, information must be recorded in the International System of Units (SI) or in SI and units as specified in subrule 37.12(1).

e. Notwithstanding the requirements of subrule 37.12(1), records of removable radioactive surface contamination on packages shall be recorded in disintegrations per minute (dpm).

37.12(2) *Record retention of medical images.*

a. Medical images, whether stored digitally or on film, shall be retained for 7 years for patients 18 years of age or older, and for 7 years plus the difference between the patient's age and 18 for minors.

b. Facilities currently using hard-copy film may continue to retain imaging using this method throughout the retention period.

c. Facilities using both digital storage (computer media) and hard-copy storage may continue to retain imaging using both of these methods throughout the retention period. Digital data (computer media) should be backed up, or refreshed, at appropriate intervals as defined by the facility.

d. Facilities solely utilizing digital storage to store study information for which a report is generated must ensure the storage conditions prevent deterioration throughout the retention period required. The facility must maintain either retrieval or access or both to the stored images.

e. Facilities that have identified medical images as being involved in a legal case should immediately code the images appropriately and retain them for the required retention period defined in this paragraph or longer if required by the facility's internal policies or procedures. At the end of the retention period, the facility should follow its internal procedures and consult appropriate internal personnel for further disposition instructions as defined by the facility.

f. If records are temporarily transferred to any party, the facility should maintain appropriate information relating to location, date of release, and individual having custody of the records.

g. A facility that is ceasing operations must either transfer its medical image records to another facility or provide the records to its patients. The facility must send a certified letter as to the location, or disposition, of the records to notify the patients of the transferal.

h. Facilities performing mammography shall maintain mammography records in accordance with the requirements of 641—Chapter 41 and the requirements of this chapter. The retention period shall be the longer of the two durations specified, which is a minimum of seven years.

37.12(3) *Records of radiation protection programs.*

a. Each licensee or registrant shall maintain records of the radiation protection program, including:

(1) The provisions of the program; and

(2) Audits and other reviews of program content and implementation.

b. The licensee or registrant shall retain the records required by this rule until the department terminates each pertinent license or registration requiring the record. The licensee or registrant shall retain the records required by subrule 37.12(1) for three years after the record is made.

37.12(4) *Records of surveys.*

a. Each licensee or registrant shall maintain records showing the results of surveys and calibrations required by subrule 37.11(13). The licensee or registrant shall retain these records for three years after the record is made.

b. The licensee or registrant shall retain each of the following records until the department terminates each pertinent license or registration requiring the record:

(1) Records of the results of surveys to determine the dose from external sources of radiation used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(2) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(3) Records showing the results of air sampling, surveys, and bioassays; and

(4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(4) or shall make provisions with the department for transfer to the department.

37.12(5) *Records of tests for leakage or contamination of sealed sources.* Records of tests for leakage or contamination of sealed sources shall be kept in units of microcurie or becquerel and maintained for inspection by the department for five years after the records are made.

37.12(6) *Records of prior occupational dose.*

a. The licensee or registrant shall retain the records of prior occupational dose and exposure history as specified in subrule 37.11(7) until the department terminates each pertinent license or registration requiring this record.

b. The licensee or registrant shall retain records used in preparing the record required in subrule 37.12(6) for three years after the record is made.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(2) or shall make provisions with the department for transfer to the department.

37.12(7) *Records of planned special exposures.*

a. For each use of the provisions of subrule 37.12(7) for planned special exposures, the licensee or registrant shall maintain records that describe:

(1) The exceptional circumstances requiring the use of a planned special exposure;

(2) The name of the management official who authorized the planned special exposure and a copy of the signed authorization;

(3) What actions were necessary;

(4) Why the actions were necessary;

(5) What precautions were taken to ensure that doses were maintained ALARA;

(6) What individual and collective doses were expected to result; and

(7) The doses actually received in the planned special exposure.

b. The records shall be retained until the department terminates each pertinent license or registration requiring these records.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(7) or shall make provisions with the department for transfer to the department.

37.12(8) *Records of individual monitoring results.*

a. *Recordkeeping requirements.* Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring was required pursuant to subrule 37.11(14) and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect on or before January 1, 1994, need not be changed. These records shall include all of the following, when applicable:

(1) The deep dose equivalent to the whole body, eye dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities;

(2) The estimated intake of radionuclides set forth in subrule 37.11(14);

(3) The committed effective dose equivalent assigned to the intake of radionuclides;

(4) The specific information used to calculate the committed effective dose equivalent pursuant to paragraph 37.11(6)*"c"*;

(5) The total effective dose equivalent when required by subrule 37.11(4);

(6) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

b. *Recordkeeping frequency.* The licensee or registrant shall make entries of the records specified in subrule 37.12(2) at intervals not to exceed one year.

c. *Recordkeeping format.* The licensee or registrant shall maintain the records specified in paragraph 37.12(8)*"a"* in clear and legible form.

d. *Embryo or fetus records.* The licensee or registrant shall maintain the records of dose to an embryo or fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file but may be maintained separately from the dose records.

e. *Retention during license or registration.* The licensee or registrant shall retain each required form or record until the department terminates each pertinent license or registration requiring the record.

f. *Retention after termination.* Upon termination of the license or registration, the licensee or registrant shall permanently store records required in this rule or shall make provision with the department for transfer to the department.

37.12(9) *Records of dose to individual members of the public.*

a. Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public as set forth in subrule 37.11(3).

b. The licensee or registrant shall retain the records required by this rule until the department terminates each pertinent license or registration requiring the record.

37.12(10) *Records of waste disposal.*

a. Each licensee shall maintain records of the disposal of licensed materials and disposal or burial in soil.

b. The licensee shall retain the records until the department terminates each pertinent license or registration requiring the record.

37.12(11) *Records of testing entry control devices for very high radiation areas.*

a. Each licensee or registrant shall maintain records of tests made pursuant to subrule 37.11(17) on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.

b. The licensee or registrant shall retain the records for three years after the record is made.

37.12(12) *Form of records.*

a. Each record required by this chapter shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period, or the record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

b. The licensee or registrant shall retain the records required by this chapter until the department terminates each pertinent license or registration requiring the record.

641—37.13(136C) Reports.

37.13(1) *Reports; stolen, lost, or missing licensed or registered sources of radiation.*

a. *Telephone reports.* Each licensee or registrant shall report to the department by telephone as follows:

(1) Immediately after its occurrence becomes known to the licensee, stolen, lost, or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in 10 CFR Part 20, Appendix C, under such circumstances that it appears to the licensee that an exposure could result to individuals in unrestricted areas.

(2) Within 30 days after its occurrence becomes known to the licensee, lost, stolen, or missing licensed radioactive material in quantity greater than ten times the quantity specified in 10 CFR Part 20, Appendix C, that is still missing.

(3) Immediately after its occurrence becomes known to the registrant, a stolen, lost, or missing radiation machine.

b. *Written reports.* Each licensee or registrant required to make a report pursuant to subrule 37.13(1) shall, within 30 days after making the telephone report, make a written report to the department setting forth the following information:

(1) A description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and for radiation machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted;

(2) A description of the circumstances under which the loss or theft occurred;

(3) A statement of disposition, or probable disposition, of the licensed or registered source of radiation involved;

(4) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

(5) Actions that have been, or will be, taken to recover the source of radiation;

(6) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

c. *Additional substantive information.* Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.

d. *Names of individuals.* The licensee or registrant shall prepare any report filed with the department pursuant to subrule 37.13(1) so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

37.13(2) *Reports; notification of incidents and reporting requirements for licensees.*

a. Immediate notification. Notwithstanding other requirements for notification, each licensee or registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

(1) An individual to receive:

1. A total effective dose equivalent of 25 rem (0.25 Sv) or more;
2. A lens dose equivalent of 75 rem (0.75 Sv) or more;
3. A shallow dose equivalent to the skin or extremities of 250 rad (2.5 Gy) or more;

(2) The release of radioactive material inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the annual limit on intake. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(3) In addition to the requirements of paragraph 37.13(2)*"a,"* each licensee shall notify the department as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (e.g., fires, explosions, toxic gas releases, and other such events).

b. Twenty-four-hour notification. Each licensee or registrant shall, within 24 hours of discovery of an event, report to the department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

(1) An individual to receive, in a period of 24 hours:

1. A total effective dose equivalent exceeding 5 rem (0.05 Sv);
2. A lens dose equivalent exceeding 15 rem (0.15 Sv);
3. A shallow dose equivalent to the skin or extremities exceeding 50 rem (0.5 Sv);

(2) The release of radioactive material inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(3) In addition to the requirements of paragraphs 37.13(2)*"a,"* and *"b,"* each licensee shall notify the department within 24 hours after the discovery of any of the following events involving licensed material:

1. An unplanned contamination event that:

- Requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;
- Involves a quantity of material greater than five times the lowest annual limit on intake specified in 10 CFR Part 20, Appendix B, for the material;
- Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

2. An event in which equipment is disabled or fails to function as designed when:

- The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;
- The equipment is required to be available and operable when it is disabled or fails to function;
- No redundant equipment is available and operable to perform the required safety function.

3. An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body.

4. An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:

- The quantity of material involved is greater than five times the lowest annual limit on intake specified in 10 CFR Part 20, Appendix B, for the material;
- The damage affects the integrity of the licensed material or its container.

37.13(3) *Reports; notifications and reporting requirements of a reportable radiation incident.*

a. The licensee or registrant shall report any radiation incident involving the administration of ionizing radiation resulted from any of the following to the department, except when the event is the result of intervention by a patient or human research subject.

(1) Therapeutic radiation machines:

1. That involves the wrong patient, wrong treatment modality, or wrong treatment site.

2. For which the weekly administered dose differs from the weekly prescribed dose by more than 30 percent.

3. For which the total administered dose differs from the total prescribed dose by more than 20 percent of the total prescribed dose.

4. For which the dose differs by 50 percent or greater for any single fraction of a multi-fraction treatment.

5. Any equipment failure, personnel error, accident, mishap or other unusual occurrence that causes or is likely to cause significant physical harm to the patient.

(2) Diagnostic radiation machine:

1. Results in an unintended skin dose to the same area in a single procedure greater than 2 Gy (200 rads).

2. Results in an unintended dose greater than five times the facility's established protocol for a procedure and exceeds any of the following:

- 0.5 Gy (50 rads) to an organ.
- 0.05 Gy (5 rads) total effective dose.

3. Involves the wrong patient or wrong site for the entire diagnostic examination (procedure/service) and exceeds any of the following:

- 0.5 Gy (50 rads) to an organ.
- 0.05 Gy (5 rads) total effective dose for the procedure.

4. Any wrong patient or wrong site imaged, regardless of dose received, shall be reported, documented, and addressed internally in accordance with the facility's established procedures.

(3) CT event investigation and reporting:

1. The cumulative CTDIvol over the course of an individual study at a particular anatomical location exceeds 60 rem (600 mGy) for a pediatric CT procedure or 150 rem (1500 mGy) for an adult CT procedure.

2. Any ionizing radiation exposure from a CT procedure results in unanticipated hair loss, erythema, or functional damage to an organ or physiological system.

3. For each event, the registrant shall conduct a root cause analysis in consultation with a qualified expert, the interpreting physician, and the operator who performed the CT procedure. The registrant shall make appropriate modifications consistent with the corrective action plan to prevent future events.

4. Involves any equipment failure, personnel error, accident, mishap or other unusual occurrence with the administration of ionizing radiation that exceeds 0.05 Gy (5 rads) total effective dose.

b. This rule applies to radiation incidents occurring during medical diagnostic and interventional X-ray procedures, as well as any other radiation machine-related incident that meets established reporting criteria. This rule also encompasses any additional incident deemed reportable by the department based on potential or actual deviation from intended use, dose, or safety standards.

c. Any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results, or will likely result, in unintended permanent functional damage to an organ or a physiological system, as determined by a physician, shall be reported.

d. The licensee or registrant shall notify the department by telephone no later than the next calendar day after discovery of the reportable radiation incident or medical event or sooner if required under the provisions set forth in this chapter where a more stringent reporting time frame has been established.

e. The licensee or registrant shall notify both the referring physician and the individual who is the subject of the reportable radiation incident or medical event no later than 24 hours after its discovery of the event.

(1) If the referring physician personally notifies the licensee or registrant that they will inform the individual, or determines, based on medical judgment, that informing the individual would be harmful, the licensee or registrant is not required to notify the individual directly.

(2) The licensee or registrant shall consult with the referring physician prior to notifying the individual.

(3) If the referring physician or individual cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter.

(4) Notification cannot delay any appropriate medical care for the individual, including necessary remedial treatment, resulting from the reportable radiation incident or medical event.

(5) If the individual is a minor or is unable to receive notification directly, notification may be made to a responsible relative or legal guardian.

(6) If notification is provided verbally, the licensee or registrant shall inform the individual, responsible relative, or legal guardian that a written description of the reportable radiation incident or medical event can be obtained from the licensee or registrant. The licensee or registrant shall provide such written description if requested.

37.13(4) *Report by telephone or electronic media.* Licensees or registrants shall make the notification of the incident report required by subrule 37.13(2) to the department by telephone or electronic media.

a. Licensees or registrants making initial reports to the department shall to the extent that the information is available at the time of notification include:

(1) The caller's name and call-back telephone number;

(2) A description of the event, including date and time;

(3) The exact location of the event;

(4) The isotopes, quantities, and chemical and physical form of the licensed material involved; and

(5) Any personnel radiation exposure data available.

b. Each licensee or registrant who makes a notification of incident report required by subrule 37.13(2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all the necessary information. These written reports must be sent to the department at Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The reports must include the following:

(1) The licensee or registrant name and license or registration number;

(2) Name of the prescribing physician, if applicable;

(3) A description of the event, including:

1. The probable cause;

2. The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

(4) The exact location of the event;

(5) Date and time of the event;

(6) The isotopes, quantities, and chemical and physical form of the licensed material involved;

(7) Corrective actions taken or planned to prevent recurrence and the results of any evaluations or assessments;

(8) The extent of exposure of individuals to radiation or to radioactive materials, without identification of individuals by name, and the effect, if any, on the individual(s) who received the administration or exposure;

(9) Certification that the licensee or registrant notified the individual or the individual's responsible relative or legal guardian and the referring physician in compliance with the requirements of this chapter and if not, the reason why not.

37.13(5) *Names of individuals in detachable portion.* The licensee or registrant shall prepare each written report to be submitted to the department pursuant to subrule 37.13(2) so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

37.13(6) *Rights or duties.* Aside from the notification requirement, nothing in this rule affects any rights or duties of licensees, registrants, and physicians in relation to each other; to individuals affected by the reportable radiation incident or medical event; or to that individual's responsible relatives or legal guardians.

37.13(7) *Doses from planned special exposures.* The provisions of subrule 37.13(2) do not apply to doses that result from planned special exposures provided such doses are within the limits for planned special exposures and are reported pursuant to subrule 37.13(8).

37.13(8) *Reports of planned special exposures.* The licensee or registrant shall submit a written report to the department within 30 days following any planned special exposure conducted in accordance with subrule 37.12(7) informing the department that a planned special exposure was conducted and indicating the date of the planned special exposure and the information required by subrule 37.12(7).

37.13(9) *Notifications and reports to individuals.*

a. Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in subrule 37.14(3).

b. When a licensee or registrant is required pursuant to subrule 37.13(8) to report to the department any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee or registrant shall also provide a copy of the report submitted to the department to the individual. Such notice shall be transmitted at a time not later than the transmittal to the department and shall comply with the provisions of subrule 37.14(3).

641—37.14(136C) Notices, instructions, and reports to workers.

37.14(1) *Posting of notices to workers.*

a. Each licensee or registrant shall post current copies of the following documents:

(1) This chapter;

(2) The license, certificate of registration, conditions, or documents incorporated into the license by reference and amendments thereto;

(3) The operating procedures applicable to activities under the license or registration;

(4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to 641—Chapter 38 and any response from the licensee or registrant.

b. If posting of a document specified in subrule 37.14(1) is not practical, the licensee or registrant may post a notice that describes the document and states where it may be examined.

c. Department form "Notice to Employees" shall be posted by each licensee or registrant.

d. Department documents posted pursuant to subrule 37.14(1) shall be posted within two working days after receipt of the documents from the department; the licensee's or registrant's response, if any, shall be posted within two working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

e. Documents, notices, or forms posted pursuant to subrule 37.14(1) shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

37.14(2) *Instructions to workers.*

a. All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv):

(1) Shall be kept informed of the storage, transfer, or use of sources of radiation;

(2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material to the individual and potential offspring, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;

(3) Shall be instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of these rules and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;

(4) Shall be instructed of their responsibility to report promptly to the licensee or registrant any condition that may constitute, lead to, or cause a violation of Iowa Code chapter 136C, these rules, and licenses or unnecessary exposure to radiation or radioactive material;

(5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material;

(6) Shall be advised as to the radiation exposure reports that workers shall be furnished pursuant to subrule 37.13(2).

NOTE: The instruction in subparagraphs 37.14(2)*"a"*(2) through *"a"*(6) shall be conducted at least annually.

(7) Shall be commensurate with potential radiological health protection problems present in the workplace.

b. In determining those individuals subject to the requirements of subrule 37.14(2), consideration must be given to assigning activities during normal and abnormal situations involving exposure to sources of radiation that can reasonably be expected to occur during the life of the facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the workplace.

37.14(3) *Notifications and reports to individuals.*

a. Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in rule 641—37.14(136C). The information reported shall include data and results obtained pursuant to these rules, orders, or license conditions as shown in records maintained by the licensee or registrant pursuant to subrule 37.12(8). Each notification and report shall:

(1) Be in writing;

(2) Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's identification number, preferably social security number;

(3) Include the individual's exposure information;

(4) Contain the following statement: "This report is furnished to you under the provisions of IAC 641 37.14. You should preserve this report for further reference."

b. Each licensee or registrant shall make dose information available to workers as shown in records maintained by the licensee or registrant under the provisions of subrule 37.12(8). The licensee or registrant shall provide to each individual monitored under subrule 37.11(14) an annual report of the dose received in that monitoring year if any of the following apply:

(1) The individual's occupational dose exceeds 100 mrem (1 mSv) TEDE or 100 mrem (1 mSv) to any individual organ or tissue,

(2) The individual requests the individual's annual dose report.

c. Each licensee or registrant shall furnish a report of the worker's exposure to sources of radiation at the request of a worker formerly engaged in activities controlled by the licensee or registrant. The report shall:

(1) Include the dose record for each year the worker was required to be monitored pursuant to subrule 37.11(14);

(2) Be furnished within 30 days from the date of the request or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later;

(3) Cover the period of time that the worker's activities involved exposure to sources of radiation and include the dates and locations of work under the license or registration in which the worker participated during this period.

d. When a licensee or registrant is required to report to the department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on the individual's exposure data included in the report to the department. Such reports shall be transmitted at a time not later than the transmittal to the department.

e. At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material, during the current year, each licensee or registrant shall provide at termination to each such worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate.

641—37.15(136C) Inspections.

37.15(1) *Presence of representatives of licensees or registrants and workers during inspection.*

a. Each licensee or registrant shall afford to the department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these rules.

b. During an inspection, department inspectors may consult privately with workers as specified in subrule 37.15(2). The licensee or registrant may accompany department inspectors during other phases of an inspection.

c. If, at the time of inspection, an individual has been authorized by the workers to represent them during department inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

d. Each worker's representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in subrule 37.14(2).

e. Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one worker's representative at a time may accompany the inspectors.

f. With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.

g. Notwithstanding the other provisions of subrule 37.15(1), department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by a department of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

37.15(2) *Consultation with workers during inspections.*

a. Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these rules and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

b. During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition that the worker has reason to believe may have contributed to or caused any violation of Iowa Code chapter 136C, these rules, or license condition or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of subrule 37.15(3).

c. The provisions of paragraph 37.15(2)*"b"* cannot be interpreted as authorization to disregard instructions pursuant to rule 641—37.14(136C).

37.15(3) *Requests by workers for inspections.*

a. Any worker or representative of workers believing that a violation of Iowa Code chapter 136C, these rules, or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the department. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant no later than at the time of inspection, except that, upon the request of the worker giving such notice, such worker's name and the name of individuals referred to therein cannot appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

b. If, upon receipt of such notice, the department determines that the complaint meets the requirements set forth in subrule 37.15(4), and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred. Informal reviews pursuant to subrule 37.15(4) need not be limited to matters referred to in the complaint.

c. No licensee, registrant, or contractor or subcontractor of a licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these rules or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of such worker or others of any option afforded by this chapter.

37.15(4) *Inspections not warranted—informal review.*

a. If the department determines, with respect to a complaint under this rule, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the department will notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the attorney general's office. Such department will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the attorney general's office. Such department will provide the complainant with a copy of such statement by certified mail.

b. Upon the request of the complainant, the attorney general's office may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the attorney general's office shall affirm, modify, or reverse the determination of the department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

c. If the department determines that an inspection is not warranted because the requirements of subrule 37.15(4) have not been met, the complainant will be notified in writing of such determination. Such determination will be without prejudice to the filing of a new complaint meeting the requirements of subrule 37.15(4).

37.15(5) *Employee protection.*

a. Discrimination by a licensee or registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in 641 Chapters—38 through 44 and in general are related to the administration or enforcement of requirements imposed under 641—Chapters 38 through 44.

(1) The protected activities include but are not limited to:

1. Providing the department or the individual's employer information about alleged violations of either of the statutes named in this rule or possible violations of requirements imposed under either of those statutes;

2. Refusing to engage in any practice made unlawful under either of the statutes named in this rule or under these requirements if the employee has identified the alleged illegality to the employer;

3. Requesting that the department institute action against the individual's employer for the administration or enforcement of these requirements;

4. Testifying in any department proceeding, or before Congress, or at any federal or state proceeding regarding any provision (or proposed provision) of federal statutes or these rules;

5. Assisting or participating in, or about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee's assistance or participation.

(3) This rule has no application to any employee alleging discrimination prohibited by this rule who, acting without direction from the individual's employer (or the employer's agent), deliberately causes a violation of any requirement of 641—Chapters 38 through 44.

b. Any employee who believes that the employee has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph 37.15(5)*"a"* may seek a remedy for the discharge or discrimination through an administrative proceeding in the U.S. Department of Labor. The administration proceeding must be initiated within 180 days after an alleged violation occurs. The employee may file for the administrative proceeding by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

c. A violation of subrule 37.15(5) by a licensee or registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee or applicant may be grounds for:

(1) Denial, revocation, or suspension of the license or registration;

(2) Imposition of a civil penalty on the licensee, registrant, or applicant;

(3) Other enforcement action.

d. Actions taken by an employer or others that adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render the employee immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

e. No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to 641—Chapters 37 through 44, may contain any provision that would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in subrule 37.15(5), including but not limited to providing information to the department or to the individual's employer on potential violations or other matters within the department's regulatory responsibilities.

These rules are intended to implement Iowa Code chapter 136C.

Appendix A

ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR CONCENTRATIONS (DAC)
OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS;
CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE

The provisions of 10 CFR Part 20, Appendix B are hereby adopted by reference, as incorporated in 641—Chapter 39. Compliance with these federal standards shall be deemed in compliance with the corresponding state requirements.

Appendix B

QUANTITIES OF LICENSED OR REGISTERED MATERIAL REQUIRING LABELING

The provisions of 10 CFR Part 20, Appendix C are hereby adopted by reference, as incorporated in 641—Chapter 39. Compliance with these federal standards shall be deemed in compliance with the corresponding state requirements.

ARC 0226D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to payment of small claims to employees and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 41, "Payment of Small Claims to Employees," Iowa Administrative Code, and to adopt a new Chapter 41 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed 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 proposes to rescind Chapter 41 and adopt a new chapter in lieu thereof. The proposed 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.

Regulatory Analysis

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

- December 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 20, 2026. Comments should be directed to:

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

Public Hearing

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

May 19, 2026 8:30 to 9 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
May 20, 2026 1:30 to 2 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 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.

ARC 0225D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to the DNA database and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 156, "DNA Database," Iowa Administrative Code, and to adopt a new Chapter 156 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed 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 proposes rescinding Chapter 156 and adopting a new chapter in lieu thereof. The purpose of proposed Chapter 156 is to govern the administration of the DNA database and the collection, submission, analysis, identification, storage, and disposition of DNA records gathered for the database.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025. A public hearing was held on the following date(s):

- December 2, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 20, 2026. Comments should be directed to:

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

Public Hearing

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

May 19, 2026 9 to 9:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
May 20, 2026 2 to 2:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 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—156.8(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.

These rules are intended to implement Iowa Code chapter 81.

ARC 0224D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to statewide sobriety and drug monitoring program and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 159, "Statewide Sobriety and Drug Monitoring Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 901D.4 (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

In 2017, the Iowa Legislature passed 2017 Iowa Acts, Senate File 444, which directed the Department to establish a statewide sobriety and drug monitoring program to be used by participating jurisdictions and available 24 hours per day, seven days per week (also known as the 24/7 Program). Testing would occur at a county sheriff's office within a participating county or at an established alternative testing location. Participants would be required to test for the presence of alcohol or drugs twice a day for up to 90 days if they had committed an eligible offense in the participating county. Participants would take part in the program if ordered to do so by a court as a condition of probation, as a condition of receiving a temporary restricted license (TRL) if the individual committed an eligible offense in a participating county, or as a condition of reinstating the individual's license if the individual committed a repeat offense.

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 proposes to rescind Chapter 159 in its entirety.

Regulatory Analysis

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

- November 4, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 20, 2026. Comments should be directed to:

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

Public Hearing

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

May 19, 2026 9:30 to 10 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
May 20, 2026 2:30 to 3 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **661—Chapter 159**.

ARC 0227D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to retail sales of pseudoephedrine and providing an opportunity for public comment

The Public Safety Department hereby proposes to rescind Chapter 174, "Retail Sales of Pseudoephedrine," Iowa Administrative Code, and to adopt a new Chapter 174 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed 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 proposes rescinding Chapter 174 and adopting a new chapter in lieu thereof. The purpose of this proposed 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.

Regulatory Analysis

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

- December 22, 2025

The Department received no public comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on May 20, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street

Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

May 19, 2026 8 to 8:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
May 20, 2026 1 to 1:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 661—Chapter 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.

ARC 0228D

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rulemaking related to fiduciary income tax and providing an opportunity for public comment

The Revenue Department hereby proposes to rescind Chapter 700, "Fiduciary Income Tax," Iowa Administrative Code, and to adopt a new Chapter 700 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 421.14, 422.14(1)"d" and 422.68.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 452A and sections 421.2, 421.4, 421.60, 422.3, 422.6, 422.8, 422.12, 422.14, 422.16, 422.21, 422.23, 422.25, 422.26 through 422.28, 422.30, 422.70, 422.73, 633.352, 633.425, 633.471, 633.477 and 633.479.

Purpose and Summary

The purpose of this proposed rulemaking is to rescind and readopt Chapter 700. This chapter contains rules focused on the administration of fiduciary income in the application of the State's tax imposed on estates and trusts under Iowa Code section 422.6. After review, the Department determined the rules aid the public's understanding of this topic and provide guidance and direction to the public of fiduciary obligation in the application of these taxes. The Department proposes revisions to the text of the rules for clarification and organization and removal of portions of the rules that the Department determined are unnecessary, obsolete, or duplicative of statutory language.

Regulatory Analysis

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

- March 24, 2026

No public comments on the Regulatory Analysis were received at the hearing or in writing. No changes have been made to the text since publication of the Regulatory Analysis.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

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 May 19, 2026. Comments should be directed to:

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

Public Hearing

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

May 19, 2026 9:30 to 10 a.m.	Via videoconference call meet.google.com/qsd-whfy-cjt
May 19, 2026 2 to 2:30 p.m.	Via videoconference call meet.google.com/irk-vfru-brj

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 701—Chapter 700 and adopt the following **new** chapter in lieu thereof:

TITLE VIII
FIDUCIARY INCOME TAX

CHAPTER 700
FIDUCIARY INCOME TAX

701—700.1(422) Administration.

700.1(1) *Definitions.* For purposes of this chapter, words and phrases have the same meaning as defined in Iowa Code sections 422.3 and 422.4. In addition, as used in this chapter, the following definitions apply:

"Gross income" includes any and all income prior to any deductions as set forth on the Iowa fiduciary return of income.

"Personal representative" means the executor, administrator, or trustee of a decedent's estate.

"Tax" means the income tax imposed on estates and trusts under Iowa Code section 422.6.

"Taxable income" includes the income of the estate or trust and also includes distributions to beneficiaries as set forth on the Iowa fiduciary return of income.

"Taxpayer" includes the executor, administrator, or other personal representative of a decedent's estate required to file a return for the estate and the decedent under Iowa Code sections 422.14 and 422.23. "Taxpayer" may also include the trustee of a trust subject to tax under 26 U.S.C. Section 641 and required to file a return under 26 U.S.C. Section 6012(b), as well as the trustee of the bankruptcy estate of an individual under Chapter 7 or 11 of Title 11 of the United States Code.

700.1(2) *Delegation of authority.* The director delegates to the division administrator of or a bureau chief within the compliance section division, subject always to the supervision and review of the director, the authority to issue the certificate of acquittance authorized by Iowa Code section 422.27.

700.1(3) *Authority of federal court cases, regulations and rulings.* The director has the responsibility to enforce and interpret the law relating to the taxes the department is obligated to administer, including those portions of the Internal Revenue Code that impact Iowa taxable income under Iowa Code section 422.4(15).

a. Federal regulations may be interpreted by Iowa courts for state tax purposes.

b. While federal court cases, regulations and rulings interpreting the Internal Revenue Code will be accorded every consideration, the department has the right to make its own interpretation of the Internal Revenue Code as to what constitutes taxable income for Iowa tax purposes, consistent with Iowa statutes and court decisions. Rule 701—303.2(422) provides more information.

700.1(4) *Publication references.*

a. References to the following Internal Revenue Code Sections are those in effect as of December 31, 2025: 26 U.S.C. Sections 61, 164, 170, 213, 611, 641, 642, 671 through 679, 691, 1011, 1014, 1223, 2032, 2032A, 2053, 2054, and 6012.

b. References to the following federal regulation sections are those in effect as of December 31, 2025: 26 CFR Sections 1.61-9, 1.167, 1.170A-10, 1.1014-1, and 1.1223-1.

This rule is intended to implement Iowa Code sections 17A.6, 421.2, 421.4, 422.6, 422.23, 422.25, 422.26, 422.27, and 422.73.

701—700.2(422) Documentation.

700.2(1) *Documents to be filed.*

a. *Estates of Iowa decedents.* A copy of the inheritance tax return (for decedents dying before January 1, 2025) and probate inventory required by Iowa Code section 633.361 and a copy of the decedent's will in testate estates shall be filed with the first fiduciary return of income unless previously filed with the department for inheritance tax purposes.

b. *Nonresident decedents—ancillary administration.* If ancillary administration has been opened for the estate of a nonresident decedent, a copy of the inheritance tax return (for decedents dying before January 1, 2025) and probate inventory and a copy of the decedent's will in testate estates shall be filed with the department, subject to the same conditions and requirements in estates of resident decedents. If ancillary administration has not been opened for a nonresident decedent with Iowa taxable income, a copy of the inventory filed in the primary estate, or the portion of the inventory listing the property generating the Iowa income and the decedent's will in testate estates, must be filed with the department with the first fiduciary return of income.

c. *Inter vivos trusts.*

(1) Inter vivos trusts with a situs in Iowa and inter vivos trusts with a situs outside Iowa with Iowa taxable income shall submit to the department with the first fiduciary return the following:

1. A copy of the trust instrument;
2. A list of the trust assets (those generating Iowa taxable income in case of trusts with a situs outside Iowa); and
3. An estimate of the fair market value of each asset.

(2) If the trust instrument is amended or additional assets are added to the trust corpus, a copy of the amended items must be submitted to the department with the first fiduciary return of income following the change.

d. Testamentary trusts. If the estate was not reported for inheritance tax purposes, a copy of the decedent's will and a list of assets in the trust corpus in testamentary trusts with a situs both within and without Iowa must be submitted to the department with the first fiduciary return of income.

700.2(2) Reserved.

This rule is intended to implement Iowa Code sections 422.25, 422.27, 422.28, and 422.73.

701—700.3(422) Situs of trusts.

700.3(1) *Testamentary trusts.* The situs of a testamentary trust for tax purposes is the state of the decedent's residence at the time of death until the jurisdiction of the court in which the trust proceedings are pending is terminated. If jurisdiction is terminated and the trust remains open, the situs of the trust is governed by the same rules as pertain to the situs of inter vivos trusts.

700.3(2) *Inter vivos trusts.*

a. Court reporting. If an inter vivos trust is created by order of court or makes an accounting to the court, its situs is the state where the court having jurisdiction is located until the jurisdiction is terminated. The situs of an inter vivos trust subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679 is the state of the grantor's residence, or the state of residence of the person other than the grantor deemed the owner, to the extent the income of the trust is governed by the grantor trust rules.

b. Non-court reporting. If an inter vivos trust (other than a trust subject to the grantor trust rules in 26 U.S.C. Sections 671 through 679) is not required to make an accounting to and is not subject to the control of a court, its situs depends on the relevant facts of each case.

(1) Relevant facts include but are not limited to the residence of the trustees or a majority of them, the location of the principal office where the trust is administered, and the location of the evidence of the intangible assets of the trust (e.g., stocks, bonds, bank accounts).

(2) The residence of the grantor of a trust, not subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679, is not a controlling factor as to the situs of the trust unless the person is also a trustee. A statement in the trust instrument that the law of a certain jurisdiction shall govern the administration of the trust is not a controlling factor in determining situs. The residence of the beneficiaries of a trust is also not relevant in determining situs.

700.3(3) *Part-year trust.* A trust that has its situs part of the year within Iowa and part of the same year outside of Iowa is to report its income on IA 1041. In order to claim a nonresident or part-year resident tax credit, the trust must complete the computation of nonresident/part-year resident tax credit portion of the form.

This rule is intended to implement Iowa Code sections 422.6, 422.8, and 422.14.

701—700.4(422) Fiduciary returns and payment of the tax.

700.4(1) *Use of prescribed forms.* Returns shall, in all cases, be made by residents and nonresidents on forms prescribed by the department of revenue. Iowa Code section 422.14 provides the requirements for when fiduciary returns must be filed electronically.

700.4(2) *Copy of federal fiduciary income tax return.* Estates of Iowa decedents, trusts with a situs in Iowa, nonresident estates with Iowa taxable income, and trusts with situs outside Iowa with Iowa taxable income must submit a complete copy of the federal fiduciary income tax return with the Iowa return, including any applicable schedules.

700.4(3) *Accounting period—tax year.* The Iowa fiduciary return must use the same accounting period that was used for federal income tax purposes.

700.4(4) *Minimum filing requirements.* A fiduciary return of income must be filed if the taxable income of the estate or trust for the taxable year is $600 or more, regardless of any tax liability. However, a final fiduciary return must be filed for the taxable year the estate or trust is closed, regardless of the amount of gross income, if an income tax certificate of acquittance is requested.

700.4(5) *Amended returns.* An amended return must be filed if there is a change in income or deductions that results in a tax or additional tax due or in a change in income, deductions, or credits distributable to a beneficiary. An amended return may be filed in lieu of a claim for refund when a change in reportable income or deductions results in a tax overpayment. 701—subrules 305.3(8) and

305.3(15) provide additional information on the period of time for making a claim for a refund of excess tax paid.

700.4(6) *Return due date.* The fiduciary return must be filed with the department and the tax due paid in full on or before the last day of the fourth month following the end of the taxable year.

700.4(7) *Duties of the taxpayer.*

a. Income of the estate or trust. The executor, administrator, or other personal representative must timely file a fiduciary return if the minimum filing requirements specified in subrule 700.4(4) are met. The department is not required to file a claim for taxes in the estate proceedings and have the claim allowed before the tax is paid. The personal representative of an estate must pay the tax on income from property in the personal representative's possession prior to applying the income to estate obligations.

b. Decedent's final individual income tax return.

(1) The executor, administrator, or other personal representative of the decedent's estate must file an individual income tax return for the decedent for the year of the decedent's death if the gross income attributable to the decedent for the part of the taxable year ending with death equals or exceeds the minimum filing requirements. 701—subrules 301.1(1) through 301.1(3) and 301.1(5) provide more information on the minimum filing requirements for individual income tax.

(2) If the surviving spouse of a decedent has not remarried during the balance of the taxable year and has the same taxable year as the decedent, the personal representative of the decedent's estate may file a joint return with the surviving spouse for the taxable year of death. In the event of such an election, the joint return must include the surviving spouse's income for the entire taxable year and the decedent's income for the portion of the taxable year ending with death.

(3) Income attributable to property owned by the decedent and the decedent's rights to income received after the day of the decedent's death are income of the decedent's estate or the persons succeeding to the property or rights to income. Iowa Code sections 633.350 through 633.353 provide more information on the circumstances under which the estate is charged with the income from the decedent's property or the decedent's rights to income.

(4) Income from property held by the decedent and others in joint tenancy received after the decedent's death is charged to the surviving joint tenants, not to the decedent's estate.

(5) The final income tax return of the decedent, if the minimum filing requirements are met, must be filed prior to the time an income tax certificate of acquittance is requested.

c. Decedent's prior year returns. The personal representative has the duty to file any required returns that were not previously filed. This includes any additional tax owed that becomes due by reason of an audit. The personal representative's duty to pay the tax, or additional tax, is limited to the probate property subject to the jurisdiction of the court. The probate property must be applied to the payment of the decedent's tax liability according to the order specified in Iowa Code section 633.425.

d. Composite return requirement. The personal representative of a decedent's estate and the trustee of a trust are subject to the composite return filing and tax payment obligations under Iowa Code section 422.16B and 701—Chapter 405 if the estate or trust has nonresident beneficiaries.

e. Beneficiary's share of income, deductions and credits. After the final distribution of income for the taxable year, the personal representative of an estate and the trustee of a trust shall furnish each beneficiary receiving a distribution from an estate or trust a written statement specifying the amount and types of income subject to Iowa tax and the kinds and amounts of the deductions and credits against the tax. For estates and trusts, other than grantor trusts, the written statement shall be an IA 1041, Schedule K-1.

f. Liability of a personal representative and trustee. A personal representative of a decedent's estate and the trustee of a trust shall be personally liable for the amount of Iowa composite tax required to be paid under Iowa Code section 422.16B and 701—Chapter 405 as well as any penalty and interest due if the composite tax liability attributable to a nonresident beneficiary is not paid within the time prescribed by law.

This rule is intended to implement Iowa Code sections 422.6, 422.8, 422.16, 422.21, 422.23, 422.25, 422.27, 633.352, and 633.425.

701—700.5(422) Extension of time to file.

700.5(1) *Automatic extension of time to file.*

a. Qualification. No application for extension is required from the taxpayer if the taxpayer has paid at least 90 percent of the tax required to be shown due by the due date and has not filed a return by the due date. In such circumstances, the director will consider that the taxpayer has requested an extension of time to file the return and will automatically grant an extension of up to six months to file the return. However, if the taxpayer wants to make a tax payment to ensure that at least 90 percent of the tax has been paid on or before the due date, the payment can be made by:

(1) Making a payment through Modernized eFile (MeF).

(2) Contacting taxpayer services and requesting an Iowa Fiduciary Income Tax Payment Voucher.

(3) Accessing GovConnectIowa to either make a payment or print a voucher and make a payment.

b. Determination. To determine whether or not at least 90 percent of the tax was paid on or before the due date, the aggregate amount of tax credits applicable on the return plus the tax payments made on or before the due date are divided by the tax required to be shown due on the return. The tax required to be shown on the return is the sum of the income tax, lump-sum tax, and the trust portion of the ESBT tax. The tax credits applicable are the credits set out in Iowa Code chapter 422, subchapter II, and Iowa Code section 422.111. Tax payments to be considered for purposes of determining whether 90 percent of the tax was paid include withholding tax payments, estimated payments, composite tax payments, and payments made with the Iowa Fiduciary Income Tax Payment Voucher Form.

c. Penalty and interest. If the aggregate of the tax credits and the tax payments is equal to or greater than 90 percent of the tax required to be shown due, the taxpayer will have met the "90 percent" test and no penalty will be assessed. However, the taxpayer will still be subject to statutory interest on any tax due when the return is filed.

700.5(2) *Extension of time to file due to illness, death, absence, or other legitimate reason.* The taxpayer is required to file the taxpayer's fiduciary income tax return on or before the due date of the return with payment in full of the amount required to be shown due with the return. However, in any instance where the taxpayer is unable to file the return by the due date because of illness or death in the taxpayer's immediate family, unavoidable absence of the taxpayer, or other legitimate reason within 30 days of the due date, the director may grant a six-month extension of time to file the return.

700.5(3) *Extension of time for the decedent's final tax return.* 701—subrule 301.2(4), which provides for extensions of time to file individual income tax returns, applies to the decedent's final tax return.

This rule is intended to implement Iowa Code section 422.21.

701—700.6(422) Reportable income and deductions.

700.6(1) *Reportable income in general—Iowa estates and trusts.* Estates of Iowa resident decedents and trusts with a situs in Iowa must report all income received from sources within and without Iowa, regardless of whether the income is from real, personal, tangible, or intangible property.

700.6(2) *Reportable income in general—foreign situs estates and trusts.* Estates and trusts with a situs outside Iowa must report all income received from sources within and without Iowa, regardless of whether the income is from real, personal, tangible, or intangible property. Foreign situs estates and trusts must also report that portion of the income which is from Iowa sources. Examples of Iowa source income include but are not limited to income from real and tangible personal property with a situs in Iowa, such as a farm and from a business located in Iowa; the capital gain portion of an installment sale contract of Iowa situs property; and wages, salaries and other compensation for services performed in Iowa but received after the death of the decedent. Iowa source income would not include income from intangible personal property, such as annuities, interest on bank deposits, and dividends, unless the income was derived from a business, trade, profession, or occupation carried on in Iowa.

700.6(3) *Income from property subject to the jurisdiction of the probate court.*

a. Probate property subject to possession by the personal representative. Income received on probate property after the decedent's death is chargeable to the estate or to the person succeeding to the decedent's property depending on whether the personal representative has the right to, or has taken possession of, the probate property producing the income. If the personal representative has taken possession of or has the right to possession of a specific item of probate property, the income from this property is estate income. The personal representative is charged with the income from this property for each taxable year until the property is distributed or otherwise disposed of. Iowa Code section 633.351 prescribes the personal representative's responsibilities for taking possession of and handling the decedent's property. In addition, Iowa Code section 633.386 (probate code) gives the personal representative authority to lease real estate, and therefore to take possession, in order to pay the debts and charges of the estate.

b. Income charged to the heir or beneficiary. Under Iowa law, title to probate property, both real and personal, passes instantaneously on death to the heir or beneficiary. If property is not subject to the personal representative's right of possession under Iowa Code section 633.351 and the personal representative has not exercised the right to sell, lease, mortgage, or pledge real and personal property to pay debts and charges under Iowa Code section 633.386, the income from this probate property is not estate income. It is income to the person succeeding to the property.

700.6(4) *Income from nonprobate property.* Income from property not subject to the jurisdiction of the probate court is charged to the beneficiary or other person succeeding to the property. Examples of income from nonprobate property include but are not limited to property held in joint tenancy, annuity payments, pension and retirement plans not payable to the estate, and income from certain trusts created by the grantor-decedent.

700.6(5) *Gross income of an estate.*

a. In general. 26 U.S.C. Section 641(b) provides that the taxable income of an estate or trust shall be computed in the same manner as the taxable income of an individual, except as modified in Subchapter J of the Internal Revenue Code. Paragraphs 700.6(5)*"d"* through *"q"* provide a nonexhaustive list of common types of taxable income to an estate or trust.

b. Definition of the period of administration. The income charged to the decedent's estate is reportable by the personal representative for each taxable year during the period of the administration of the decedent's estate if the minimum filing requirements are met. The period of administration for Iowa income tax purposes is determined by applying federal tax law to Iowa estates because Iowa taxable income is the same as federal taxable income, subject to the adjustments provided in Iowa Code sections 422.7 and 422.9. It is the period actually required by the personal representative to perform the ordinary duties of administration, such as the collection of assets and the payment of debts, taxes, legacies, and bequests, whether the period required is longer or shorter than the period specified under the probate code. An estate will be considered terminated for income tax purposes when all of the assets have been distributed, except for a reasonable amount set aside in good faith for the payment of unascertained or contingent liabilities and expenses. If the period of administration is terminated for income tax purposes, the heir or beneficiary is charged with the income.

c. The estate's first return—special considerations.

(1) Death terminates the decedent's taxable year. Income received the day of the decedent's death is to be reported on the decedent's final individual return.

(2) The taxable year of a decedent's estate begins the day after the decedent's death. Income received after the decedent's death is chargeable either to the decedent's estate or to the person succeeding to the property producing the income.

(3) Income the decedent had a right to receive prior to death, but did not receive before death, is not the decedent's income but is income in respect of a decedent and is chargeable either to the decedent's estate when received or to the person succeeding to the right to income. 26 U.S.C. Section 691(a) and applicable federal regulations provide more information on what constitutes income in respect of a decedent.

(4) Trade or business expenses, interest, taxes and expenses for the production of income owing by the decedent at death but unpaid, and the allowance for depletion on income not received at death are not deductible on the decedent's final return. These are deductible by the estate or the person succeeding to the property when paid.

(5) Medical expenses incurred by the decedent, but unpaid at death, are not deductible by the estate. These are deductible on the decedent's individual return for the year the expenses were incurred if paid within one year after the decedent's death and if the medical expense is not claimed as a deduction for federal estate tax purposes under 26 U.S.C. Section 2053. 26 U.S.C. Section 213(d) and federal regulations thereunder provide more information relating to deductible medical expenses of a decedent.

(6) Funeral expense is not a deductible item for income tax purposes.

(7) Unused ordinary and capital losses remaining after the decedent's income tax liability for the year of death has been determined are not carried forward to the decedent's estate. The unused losses terminate with death, except to the extent they may be used by the decedent's surviving spouse.

d. Dividends. All income classified as dividends under 26 U.S.C. Section 61 and 26 CFR Section 1.61-9, received or constructively received, during the taxable year constitutes gross income to the estate or trust. However, some income labeled as dividends is for tax purposes classified as interest. For example, income from cooperative banks, credit unions, domestic building and loan associations, domestic savings and loan associations, federal savings and loan associations, and mutual savings banks are considered interest and not dividends.

e. Interest. All interest received or constructively received during the taxable year, with the exception of interest but not capital gain, from federal securities and from certain bonds issued by the state of Iowa and its political subdivisions listed in rule 701—302.3(422) is income to the estate or trust. Interest from securities issued by a state and its political subdivisions or from foreign securities is included in gross income for Iowa tax purposes, even though the interest may be exempt from federal income tax, except for those bonds listed in rule 701—302.3(422).

f. Partnerships and other estates and trusts.

(1) If a partnership in which the decedent had an interest is not terminated at death, the deceased partner's share of the partnership income is considered to be all received at the end of the partnership taxable year. As a result, none of the partnership income is chargeable to the deceased partner unless the day of the partner's death coincides with the day the partnership year ends. Partnership income is chargeable to the deceased partner's estate or the person succeeding to the partner's interest, notwithstanding the fact the deceased partner may have withdrawn most or all of the deceased partner's share of the partnership income prior to death.

(2) In general, if an estate or trust and its beneficiaries have different taxable years, the beneficiary is required to report the income from the estate or trust as if it were all paid on the last day of the taxable year of the estate or trust. However, if the beneficiary dies during the taxable year of an estate or trust, the taxable income of the beneficiary's estate includes only the portion of the income of the other estate or trust that was required to be distributed to the beneficiary but was not in fact distributed to the beneficiary before death. The income that was in fact distributed by the other estate or trust prior to the beneficiary's death is properly included in the beneficiary's final income tax return.

g. Rents and royalties.

(1) Income received after death for the use or occupancy of the decedent's real and personal property is the income of the decedent's estate or the income of the person succeeding to the property. If the rental income was accrued, but unpaid at death, the accrued rent is income in respect of a decedent and is to be included as income, either by the estate or the person succeeding to the right to the income, in the taxable year when payment is received.

(2) Rent is not limited to payments in cash. It includes but is not limited to crop share rental payments when the decedent was a nonparticipating landlord.

(3) Income from the sale of grain and livestock in the estate of a participating landlord that was on hand at death is classified as income from a farm or business and not rental income.

(4) Income from royalties includes but is not limited to payment for rights in books, plays, copyrights, trademarks, formulas, and patents and from the exploitation of natural resources.

h. Farm and business income—in general. The death of the decedent does not alter the rules under which business and farm income is computed for income tax purposes. However, the decedent's estate as a new taxpayer may adopt a taxable year or accounting method that is different from the decedent's. The rules for determining a gain or loss from the sale or exchange of assets in the decedent's estate are the same as those for an individual. However, paragraphs 700.6(5)*"i"* and *"j"* contain more information on the basis for gain or loss from the sale or exchange of property acquired from a decedent and 700.6(5) *"l"* for depreciation rules for property acquired from a decedent.

i. Basis for gain or loss—the stepped-up basis. Property acquired from a decedent receives a new basis for determining gain or loss when the property is sold or exchanged. This rule does not apply to property classified as income in respect of a decedent and certain other property designated in 26 U.S.C. Section 1014(b) and (c) and the federal regulations thereunder. The basis of property acquired from a decedent is either (1) its fair market value at the time of death or the alternative value when it has been elected for federal estate tax purposes under 26 U.S.C. Section 2032 or (2) its special use value when the property has been valued for federal estate tax purposes under 26 U.S.C. Section 2032A. The decedent's basis in the property is not relevant.

If an estate files a federal estate tax return, the basis is governed by the federal estate tax value determination.

EXAMPLE: Decedent A died July 1, 2025, owning a 160-acre Iowa farm that the decedent purchased in 1985 for $1,000 per acre, or $160,000. At the time of A's death, the farm had a fair market value of $12,000 per acre, or $1,920,000. In 1995, A and surviving spouse B purchased a residence for $80,000 in joint tenancy. Surviving spouse B, a school teacher, contributed one-half of the purchase price of the residence; therefore, one-half of the residence is excluded from A's gross estate. At the time of A's death, the residence had a fair market value of $250,000. Surviving spouse B received the entire estate and did not elect the alternative or special use valuation.

B's basis for gain or loss in the farm and residence is computed as follows:

Asset	Fair Market Value at Death	New Basis for Gain or Loss		
160-acre farm	$1,920,000	$1,920,000		$320,000
Residence	250,000	165,000	½ new basis	50,000
			½ old basis	17,500
				$ 67,500

Since the entire farm was acquired from A, its basis is 100 percent of the fair market value at death. Only one-half of the residence was acquired from A; therefore, only one-half of the residence receives a new basis on A's death. The new basis in the residence for B is $165,000, calculated as follows: ½ of the fair market value on the date of death ($250,000 × ½) = $125,000, plus ½ of the original purchase price ($80,000 × ½) = $40,000.

j. No new basis—income in respect of a decedent.

(1) Property or rights to income, classified as income in respect of a decedent under 26 U.S.C. Section 691, do not receive a new basis upon the decedent's death. It is a special exception to the stepped-up basis rule. 26 U.S.C. Section 1014(c) and 26 CFR Section 1.1014-1(c) provide more information.

(2) Examples of income with respect to a decedent include but are not limited to the following:

1. Wages, salary, or other compensation for personal services earned that are unpaid at death.
2. Interest accrued on obligations, such as bank accounts, certificates of deposit, bonds, and promissory notes.
3. Accrued interest and unpaid capital gain on real and personal property installment contracts.
4. Federal income tax refunds if claimed as a deduction on an Iowa income tax return.
5. Accounts receivable if the decedent was on a cash accounting basis.
6. Crop share rent if the decedent was a nonparticipating landlord on a cash basis. This also includes growing crops, which are to be valued at the time of the decedent's death or alternate valuation date.

(3) The basis for gain or loss for property classified as income with respect to a decedent is the decedent's basis in the property at the time of death.

k. Gain or loss—holding period. For the purpose of determining whether the sale or exchange of property is a long- or short-term gain or loss, the holding period of property acquired from a decedent begins the day after the decedent's death, regardless of how long the property was held by the decedent. 26 U.S.C. Section 1.1223 and 26 CFR Section 1.1223-1(j) provide more information. If the property acquired from a decedent is sold or otherwise disposed of within one year of the decedent's death, it will be considered to have been held over one year. In general, this is a sufficiently long holding period to qualify the sale or exchange as a long-term gain or loss transaction.

l. Depreciation—property acquired from a decedent. Property acquired from a decedent that is subject to the allowance for depreciation receives the same value for depreciation purposes as its basis for gain or loss in a sale or exchange, regardless of its basis or remaining useful life in the hands of the decedent. 26 U.S.C. Sections 167(g) and 1011 and 26 CFR Section 1.167(g)-1 provide more information. For the purpose of determining the life of an asset subject to the allowance for depreciation, the property is treated as if it were acquired the day after the decedent's death. More information can be found in 26 CFR Section 1.167(a)-10. The decedent's estate or other person acquiring depreciable property from the decedent may adopt a depreciation method different from that used by the decedent for the depreciable asset. Additional information can be found in 26 CFR Section 1.167(a)-7.

m. Recognition of gain—installment sale contracts.

(1) Death of the holder. If, as a result of the death of the holder of an installment sale obligation (usually the seller), the installment sale obligation is transferred to the debtor (usually the purchaser), or it is cancelled by the personal representative, the remaining gain from the installment sale contract not previously reported is recognized by the holder's estate as if the remaining balance due had been immediately paid in full. The merger of the asset with the debt is treated as a taxable transfer by the estate of the holder (seller) of the obligation and is income in respect of a decedent realized by the holder's estate.

(2) Held by trust. If the obligation was held by a person other than the seller, such as a trust, the cancellation of the obligation will be treated by that person as a taxable transfer immediately after the seller's death. In the absence of some act of canceling the obligation, such as by distribution or notation that results in cancellation under Iowa Code chapter 554 (Uniform Commercial Code), the disposition is considered to occur no later than the time the period of administration of the estate is ended.

(3) Related parties. For gain recognition purposes, if the seller and the debtor were related parties, the value of the installment contract is considered to be not less than full face value, regardless of its value for Iowa inheritance tax (for decedents dying before January 1, 2025) or federal estate tax purposes. A related party includes but is not limited to the spouse, child (including an adopted child), grandchild, or parent of the seller; an estate in which the seller is a beneficiary; a partnership in which the seller is a partner; a corporation in which the seller owns 50 percent or more of the stock; and a trust where the seller is a beneficiary or is treated as the owner.

(4) Additional shares. If the debtor inherits the obligation to pay or another share of the estate and the debtor's share of estate equals or exceeds the face value of the contract, the personal representative of the holder's estate must set off the contract of sale to the debtor when satisfying the debtor's share of the estate. In this case, the entire contract is canceled and all of the unreported gain is income in respect of a decedent to the estate. If the debtor's share of the estate is less than the face value of the contract of sale, the contract of sale is canceled only to the extent of the debtor's share of the estate and only a like percentage of the unreported gain is considered income in respect of a decedent received immediately by the estate. Iowa Code section 633.471 provides information on the right of retainer and setoff.

n. Nonresident aliens—sales of Iowa real estate. Nonresident aliens and estates and trusts with a situs outside the United States must include the gain from the sale or exchange of Iowa real estate as taxable income, even though the real estate was not effectively connected with a trade or business carried on in the United States. Any gain paid or distributed to a nonresident alien or an estate or trust with a situs outside the United States is subject to Iowa income composite tax unless the gain has been previously accumulated and any tax due paid. Paragraph 700.4(7)*"d"* and 701—Chapter 405 contain more information on the requirement to pay Iowa composite tax on distributions to nonresident beneficiaries and individuals.

o. Miscellaneous income. Miscellaneous income includes those items of income that are subject to Iowa income tax under Iowa Code section 422.6 that are not classified as dividends, interest, rent and royalties, income from partnerships and other fiduciaries, business or farm income, and gain or loss from the sale or exchange of assets. Miscellaneous income also includes but is not limited to wages and salaries earned by the decedent that are unpaid at death and distributions to the estate from an employee's pension or retirement plan if subject to Iowa income tax.

p. Grantor trusts. If the income of a trust is subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679, the grantor of the trust or other person specified in the trust instrument, and not the trust, is considered the owner of the income. Therefore, the income is properly reportable on the Iowa individual income tax return of the grantor or other individual treated as the owner. The fiduciary income tax return of a grantor trust is an informational return only. Items of income, deductions, and credits of a grantor trust should be reported on a separate statement attached to the fiduciary return of income. The taxable year of a grantor trust must be the same as the taxable year of either the grantor or the other individual considered the owner of the income for tax purposes.

q. "Equity trusts"—assignment of future wages and salaries. The assignment of future wages, salaries, or other compensation for future services by a grantor to a trust (commonly called "equity" or "family estate" trust) does not shift the tax burden on this income from the grantor to the trust. The trust is subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679. The income of the trust is to be reported by the grantor on an Iowa individual income tax return.

r. Adjustments to federal taxable income. Iowa Code section 422.4(15) provides that the Iowa taxable income of estates and trusts is federal taxable income, without the deduction for the personal exemption, subject to the specific adjustments set forth in Iowa Code section 422.7 and the modifications relating to federal and state income tax specified in Iowa Code section 422.9. The modifications have these results:

(1) The federal exemption allowed to estates and trusts under 26 U.S.C. Section 642(b) (i.e., $600 for an estate, $300 for simple trust, and $100 for a complex trust) is not deductible for Iowa income tax purposes.

(2) Interest and dividends from federal securities, but not capital gain or loss, are exempt from Iowa income tax and, therefore, are not part of the Iowa taxable income of estates and trusts.

(3) Interest and dividends from securities of a state and its political subdivisions and from foreign securities are included in Iowa taxable income in the year received, regardless of whether such interest and dividends are exempt from federal income tax. However, rule 701—302.3(422) and paragraph 700.6(5)*"e"* contain more information on the exemption for certain bonds issued by the state of Iowa and its political subdivisions that are not included in Iowa taxable income.

700.6(6) *Deductions from gross income.*

a. In general. The deductions allowable in computing taxable income of estates and trusts are generally those relating to a trade or business and the expenses attributable to investment income.

(1) The important distinction between the deductions allowable in computing federal adjusted gross income and itemized deductions for individual income tax has only limited application in determining the taxable income of estates and trusts.

(2) Many deductions in computing the taxable income of an individual have no application to the deductions allowable in computing the taxable income of an estate or trust, due to the nature of estates and trusts and the sources of their income. For example, medical expense and moving expense deductions are applicable only to individuals, but taxes and interest expenses can be incurred by both individuals and estates and trusts.

b. Interest expense. Interest paid on obligations secured by property subject to the personal representative or trustee's right of possession is a deduction from gross income in the year paid. Interest on debts or charges that the personal representative or trustee is obligated to pay is also a deduction against gross income in the year paid. Interest on obligations secured by property, not subject to the personal representative's right of possession, is not deductible from the gross income of the estate but is a deduction for the person succeeding to the encumbered property. No distinction is made between business and nonbusiness interest. Iowa Code section 633.278 contains more information on circumstances when the personal representative of the decedent's estate is required to pay the debt and interest on encumbered property, even though the property is not subject to the personal representative's right of possession.

c. Taxes. The taxes deductible against the gross income of an estate or trust are limited to the taxes deductible for individual income tax purposes under 26 U.S.C. Section 164, meaning, for tax years beginning on or after January 1, 2023, state taxes deductible for federal purposes are also allowed for Iowa purposes. Also, federal income tax is not allowed as a deduction for Iowa purposes. Real estate and personal property taxes, including the taxes due but unpaid at death, are only deductible by the estate on the decedent's property that is subject to the personal representative's right of possession.

d. Depreciation and depletion—allocation. If the personal representative of a decedent's estate has the right to the possession of property eligible for the depreciation allowance, the depreciation is a deduction from the estate's gross income when the income for the taxable year is accumulated by the estate. If all or part of the income for the year is distributed to the beneficiaries, the deduction for depreciation is apportioned between the estate and the beneficiaries on the basis of the income allocated to each. In the case of an estate, the deduction for depreciation follows the income.

(1) The same depreciation rules apply to simple and complex trusts, with the exception that if the trustee has the right to maintain a reserve for depreciation, and in fact does so, the deduction for depreciation is allocated to the trust to the extent of the reserve maintained, regardless of whether the income is accumulated or distributed.

(2) The rules governing the allowance for depreciation are also the rules to be applied to the allowance for depletion under 26 U.S.C. Section 611.

e. The charitable deduction. The charitable deduction allowed estates and trusts under 26 U.S.C. Section 642(c) is not subject to the percentage of income limitation applicable to individual taxpayers under 26 U.S.C. Section 170(b). The allowable deduction is governed by the terms of the will or trust instrument, which can provide for unlimited payments for charitable purposes. However, an unused charitable contribution carryover of the decedent remaining after the decedent's individual income tax liability for the year of death is determined is not available to the estate. The unused carryover terminates at death, except to the extent it may be used by the surviving spouse. More information can be found in Federal Regulation Section 1.170A-10(d)(4)(iii). The deduction is limited to payments of gross income or amounts permanently set aside for charitable uses. A simple pecuniary bequest to charity in the decedent's will does not qualify for the charitable deduction from the estate's income. It is a payment from the corpus of the estate.

f. Other deductions. The category of other deductions includes those deductions allowable in computing taxable income not receiving special itemized treatment on the Iowa fiduciary return of income. Expenses of administration include but are not limited to a reasonable fee and the necessary expenses of the attorney employed by the personal representative of an estate or the trustee of a trust, a reasonable fee and the necessary expenses of the personal representative of an estate or the trustee of a trust, accounting fees, court costs, and interest paid on federal estate tax during an extension of time to pay.

g. The no double deduction rule. Expenses of administration, certain debts of the decedent like medical expenses incurred prior to death, and losses during the period of administration are proper deductions in computing both the taxable income of an estate or trust (or on the decedent's individual return in case of medical expenses) and the taxable estate for federal estate tax purposes under 26 U.S.C. Sections 2053 and 2054.

(1) The no double deduction rule only applies to trusts when the trust assets are included for federal estate tax purposes. 26 U.S.C. Section 642(g) prohibits the double deduction of those items that qualify as deductions for both taxes.

(2) To prevent the double deduction, the fiduciary return needs to be accompanied with a statement waiving the right to claim all or a portion of the item as a deduction on the federal estate tax return. This waiver is irrevocable. However, unless the waiver has been filed, the decision to claim the deduction or portion of the deduction on the federal estate tax return can be changed anytime prior to the time the item or portion of the item is finally allowed for federal estate tax purposes.

(3) The waiver requirement has no application to estates and trusts not required to file a federal estate tax return.

(4) The no double deduction rule has no application to deductions in respect of a decedent, such as deductions relating to trade or business expenses, interest, taxes, expenses for the production of income, and the allowance for depletion, which are deductible both for income tax purposes and federal estate tax purposes.

h. The net operating loss deduction.

(1) Generally, Iowa Code section 422.9 provides for carryovers of Iowa net operating losses.

(2) However, estates and trusts with a situs outside Iowa are allowed a deduction only for a carryover net operating loss, which was incurred prior to January 1, 2023, and attributable to a trade or business activity carried on in the state of Iowa.

i. Capital loss deduction. The capital loss deduction of an estate or trust is computed in the same manner as the capital loss deduction for individual taxpayers. However, it is a deduction only for the estate or trust and is not distributable to a beneficiary, except in the year the estate or trust terminates. Capital losses do not enter into the computation of the deduction for income required to be distributed currently to beneficiaries. During the period of administration of the estate or trust, capital losses can be used only to offset capital gain for simple trusts required to distribute income currently. However, beneficiaries may derive immediate benefit from capital losses when capital gain is required or permitted to be distributed to beneficiaries prior to closure of the estate or trust since the losses can be used to offset gain before distribution.

j. The distribution deduction. Estates and trusts are allowed to deduct the amounts of income required to be distributed currently and also other amounts properly paid, credited, or required to be distributed to the extent of the distributable net income for the year. For income tax purposes, an estate of a decedent is treated as a complex trust because normally, the personal representative of an estate has the discretion of whether to distribute current income. Therefore, most distributions of income from a decedent's estate fall under the category of "other amounts properly paid, credited, or required to be distributed."

(1) For purposes of a distribution deduction under this chapter, an estate or trust shall receive a distribution deduction only for income taxable to Iowa. For example, municipal interest will be included in the distribution deduction because it is taxable to Iowa. U.S. government interest would not be included because it is not taxable to Iowa. IA 1041, Schedule B, is used to calculate the Iowa income distribution deduction.

(2) The distribution deduction allowed is limited to the distributable net income of the estate or trust for the taxable year. If amounts in excess of distributable net income are distributed to a beneficiary of a decedent's estate, the excess does not constitute taxable income to the beneficiary. Income distributed to a beneficiary of an estate or trust retains the same character in the hands of the beneficiary as it had in the estate or trust, with the exception of unused capital loss distributed on closure to a corporation, in which case the loss is treated as a short-term loss, regardless of its character in the estate or trust. In addition, unless the will or trust instrument specifically provides otherwise, a distribution to beneficiaries is considered to be a proportionate distribution of the different kinds of income composing the distributable net income of the estate or trust. The same character and proportionate distribution rule is illustrated by the following example.

EXAMPLE: Decedent A, a resident of Iowa, died February 15, 2024. Under the terms of the will, all the decedent's property was devised in equal shares to beneficiary B, a resident of Phoenix, Arizona, and beneficiary C, a resident of Cedar Rapids, Iowa. The estate adopted a calendar year as its taxable year. For calendar year 2024, the estate had distributable net income of $50,000, which is composed of:

Interest income	$10,000
Dividend income	5,000
Net Iowa farm income	35,000
Total	$50,000

On December 20, 2024, the estate distributed $12,500 to beneficiary B, and $12,500 to beneficiary C. Beneficiaries B and C have received a distribution for 2024 as follows:

Beneficiary B		Beneficiary C	
Interest income	$2,500	Interest income	$2,500
Dividends	1,250	Dividends	1,250
Farm income	8,750	Farm income	8,750
Total	$12,500	Total	$12,500

The estate is entitled to a deduction of $25,000 against gross income in 2024 for the distribution to beneficiaries B and C and owes Iowa income tax on the $25,000 income retained in the estate. Since the interest income of the estate is 20 percent of the distributable net income, 20 percent of the distribution to beneficiaries B and C is considered interest income. Likewise, 10 percent of the estate's distributable net income is dividends and 70 percent farm income. The distribution to B and C consists of a corresponding percentage of dividends and farm income. Beneficiary C, a resident of Iowa, must report the entire distribution of $12,500 on a 2024 Iowa individual income tax return. Beneficiary B, a resident of Arizona, is only required to report the farm income portion of the distribution ($8,750) on a 2024 nonresident individual income tax return because dividends and interest are income from intangible personal property and were not derived from a business, trade, profession or occupation carried on within Iowa by the nonresident. 701—subrule 302.16(5) provides more information.

700.6(7) *The final return—special considerations.*

a. *General rule.*

(1) In the year of closure, all income received by the estate or trust is considered "other amounts properly paid or credited or required to be distributed" and must be distributed to the beneficiaries according to the terms of the governing instrument. 26 U.S.C. Section 642(h) provides for an exception to the general rule that net operating and capital losses are only available to the taxpayer incurring the loss. Therefore, in the year of closure, any capital loss and net operating loss carryover that remains unused by the estate or trust is passed through the estate or trust and is allowed as a deduction to the beneficiaries succeeding to the property.

(2) If the estate or trust in the year of termination has incurred deductions in excess of gross income that do not qualify for treatment as a net operating or capital loss, such as administration expenses, the excess deductions are passed through the estate or trust and are available to the beneficiaries. They are available only for the year the estate or trust terminates and only as an itemized deduction in the case of an individual beneficiary.

b. *Exception to the general rule.* If in the year of termination an Iowa ancillary estate makes the required distribution of its income to the primary estate that is not being terminated, instead of to the beneficiaries of the estate, it is proper in the year of closure to treat the income as if it were accumulated by the Iowa ancillary estate. This exception to the general rule relieves the primary estate from the obligation of filing a second fiduciary return, which it would be required to do except for this special rule.

700.6(8) *Computation of the tax due.* The tax due on the taxable income of an estate or trust is computed by using the same tax rate used for computing the individual income tax liability. The provisions of the Iowa Code relating to the maximum net income of an individual before a tax liability is incurred have no application to the tax liability of an estate or trust. The taxable income of a short taxable year is not required to be annualized for the purpose of computing the tax liability. The tax due is to be paid in full within the time prescribed by law, not in installments.

700.6(9) *Credits against the tax.*

a. *The personal exemption credit.* The estate of a decedent and a trust, whether simple or complex, is allowed the same $40 credit against the tax as allowed for individual taxpayers. The personal exemption credit is not prorated for short taxable years.

b. *Credit for tax paid to another state or foreign country.* Iowa Code section 422.8 grants Iowa situs trusts and estates of Iowa resident decedents, which have income derived from sources in another state or foreign country, a credit against the Iowa tax for the income tax paid to the state or foreign country where the income was derived. The credit is computed in the same manner as a full-year resident under rules 701—304.6(422) and 701—304.7(422). Foreign situs trusts and estates of foreign decedents are not allowed a credit against the Iowa tax for the income tax paid another state or foreign country on Iowa source income. Rule 701—304.6(422) as applied to an Iowa situs trust or estate is illustrated by the following example.

EXAMPLE: Decedent A died a resident of Webster City, Iowa, on February 15. Decedent A at the time of death owned income-producing property in both Iowa and Missouri. For the short taxable year ending December 31, A's estate had the following income and expenses:

Interest	$ 5,000.00
Dividends	7,500.00
Iowa farm income	20,000.00
Missouri farm income	10,000.00
Iowa gross income	$ 42,500.00
Less allowable deductions	8,000.00
Iowa taxable income	$ 34,500.00
Iowa computed tax	$ 1,311.00
Less personal credit	40.00
Tax subject to credit for foreign taxes paid	$ 1,271.00
Tentative credit for tax paid to Missouri	$ 413.00
Maximum credit	$ 299.06
Lesser of tentative credit or maximum credit	299.06
Iowa tax due	$971.94

A's estate paid $413 of income tax to the state of Missouri on the $10,000 Missouri farm income. This is A's tentative credit.

The maximum credit on the foreign source income is $604.20, computed as follows:

$$\frac{\text{Foreign income included in gross income \$10,000}}{\text{Total Iowa gross income \$42,500}} \times \$1{,}271.00^{*} = \$299.06$$

*$1,311 is the Iowa computed tax less the $40 personal credit.

The allowable out-of-state tax credit is $299.06 because the $413 of income tax paid to Missouri (tentative credit) is more than the maximum credit of $299.06. If the Missouri tax paid had been less than the maximum credit, the allowable credit would have been the amount of income tax paid to the state of Missouri.

c. Motor vehicle fuel tax credit.

(1) An estate or trust incurring Iowa motor vehicle fuel tax expense attributable to nonhighway uses may, in lieu of obtaining an Iowa motor vehicle fuel refund, claim as a credit against its Iowa income tax liability the Iowa motor vehicle fuel taxes paid during the taxable year.

(2) A copy of the Iowa motor vehicle fuel tax credit form IA 4136 must be submitted with the fiduciary return of income to substantiate the claim for credit. Any credit in excess of the income tax due shall be refunded to the estate or trust, subject to the right of offset against other state taxes owing.

d. Nonresident/part-year resident credit. The nonresident/part-year resident credit is available for part-year trusts described in subrule 700.3(3) and trusts whose situs is outside Iowa. Rule 701—304.5(422) provides more information on the computation of the nonresident/part-year resident credit allowed for individuals who are either part-year residents of Iowa or nonresidents of Iowa.

e. Other tax credits. All other tax credits set forth in Iowa Code chapter 422, division II, are also available for any estate or trust that meets the criteria for claiming these tax credits. Estates and trusts with a situs in Iowa that are shareholders in S corporations that carry on business within and without Iowa may use the apportionment provisions for S corporation income set forth in 701—Chapter 403. The criteria to determine whether an S corporation is carrying on business within and without Iowa is set forth in 701—subrule 503.1(4).

This rule is intended to implement Iowa Code sections 422.3 through 422.12, 422.14, 422.23, and 633.471 and chapter 452A.

701—700.7(422) Audits, assessments and refunds. Rules 701—305.1(422) through 701—305.3(422) governing the audit of individual income tax returns, the assessment for tax or additional tax due, and the refund of excessive tax paid also govern the audit of the fiduciary income tax return and the assessment and refund of fiduciary income tax.

This rule is intended to implement Iowa Code sections 422.16, 422.25, 422.30, 422.70, and 422.73.

701—700.8(422) The income tax certificate of acquittance.

700.8(1) *In general.* Iowa Code section 422.27 requires the income tax obligation of an estate or trust to be paid prior to approval of the final report by the court. Iowa Code section 422.27 refers only to the report of the executor, administrator or trustee. In addition, the statute makes reference only to a trustee's final report that is approved by a court. A trust that does not report to and is not subject to the supervision of a court will not be issued a certificate of acquittance. However, the statute's reference to a trustee who must report to the court would also include but not be limited to a referee in partition and the trustee of the estate of an individual bankrupt under Chapter 7 or 11 of Title 11 of the United States Code. What constitutes a trust is a matter of the trust law of the state of situs.

700.8(2) *The application for certificate of acquittance.* The final fiduciary return of income serves as an application for an income tax certificate of acquittance. For a certificate of acquittance to be received, the appropriate box on the final fiduciary return must be checked to request the certificate.

700.8(3) *Requirements for a certificate of acquittance.* The issuance of an income tax certificate of acquittance is dependent upon full payment of the income tax liability of the estate or trust for the period of administration. This includes the obligation to pay composite return tax on distributions of nonresident beneficiaries' Iowa-source income from the estate or trust. In the case of an estate, the income tax liability of the decedent both for prior years and the year of death must be paid to the extent of the probate property subject to the jurisdiction of the court. The probate property must be applied to the payment of the decedent's income tax liability according to the order of payment of an estate's debts and charges specified in Iowa Code section 633.425. If the probate property of the estate is insufficient to pay the decedent's income tax obligation in full, the department, in lieu of a certificate of acquittance, shall issue a certificate stating that the probate property is insufficient to pay the decedent's income tax liability and that the department does not object to the closure of the estate. In the event the decedent's income tax obligation is not paid in full, the closure of the decedent's estate does not release any other person who is liable to pay the decedent's income tax obligation.

700.8(4) *The extent of the certificate.* An income tax certificate of acquittance is a statement from the department certifying that all income taxes due from the estate or trust have been paid in full to the extent of the income and deductions reported to the department. The certificate fulfills the statutory requirements of Iowa Code section 422.27 and the Iowa income tax portion of the requirements of Iowa Code sections 633.477 and 633.479. Providing all other closure requirements are met, the certificate permits the closure of the estate or trust by the court. However, the certificate of acquittance is not a release of liability for any income tax or additional tax that may become due, such as the result of an audit by the Internal Revenue Service or because of additional income not reported. 701—subrule 300.2(1) provides more information on limitations on the period of time to conduct income tax audits.

700.8(5) *Appeals to the director.* A denial of a request for an income tax certificate of acquittance may be appealed. An appeal to the director must be in writing and must be made within 60 days of the denial. 701—Chapter 7 provides more information and governs these appeals to the director.

This rule is intended to implement Iowa Code chapter 17A and sections 421.60, 422.27, 422.28, 633.425, 633.477, and 633.479.

USURY

In accordance with the provisions of Iowa Code section 535.2(3)"a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

May 1, 2025 — May 31, 2025	6.25%
June 1, 2025 — June 30, 2025	6.25%
July 1, 2025 — July 31, 2025	6.50%
August 1, 2025 — August 31, 2025	6.50%
September 1, 2025 — September 30, 2025	6.50%
October 1, 2025 — October 31, 2025	6.25%
November 1, 2025 — November 30, 2025	6.00%
December 1, 2025 — December 31, 2025	6.00%
January 1, 2026 — January 31, 2026	6.00%
February 1, 2026 — February 28, 2026	6.25%
March 1, 2026 — March 31, 2026	6.25%
April 1, 2026 — April 30, 2026	6.25%
May 1, 2026 — May 31, 2026	6.25%

ARC 0232D

ARCHITECTURAL EXAMINING BOARD[193B]

Adopted and Filed

Rulemaking related to licensure

The Architectural Examining Board hereby amends Chapter 2, "Licensure," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 544A.29.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 544A.

Purpose and Summary

This rulemaking establishes the minimum standards for architecture licensure, including the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual who holds a license has minimum competency. The amendments allow for an individual who does not have a National Architectural Accrediting Board (NAAB) accredited degree to be eligible for initial licensure in Iowa.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 18, 2026, as **ARC 0070D**. One comment in support of the amendments was received.

The definitions of "NCARB Architect Registration Examination (ARE) Guidelines," "NCARB Certification Guidelines," and "NCARB Education Guidelines" have been updated to reflect the newest versions of those guidelines.

Adoption of Rulemaking

This rulemaking was adopted by the Board on March 25, 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 of Inspections, Appeals, and Licensing for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 193B—2.1(544A,17A) as follows:

193B—2.1(544A,17A) Definitions. The following definitions apply as used in Iowa Code chapter 544A~~,~~ and this chapter of the architectural examining board rules, unless the context otherwise requires.

"Applicant" means an individual who has submitted an application for licensure to the board.

"Approved education program" means a degree accredited by an organization that provides an accreditation system for architecture programs or education deemed equivalent by the board to the National Council of Architectural Registration Boards (NCARB) Education Standard that has been evaluated and found to be an equivalent standard based on the NCARB Alternatives to Education Requirement as identified in the NCARB Certification Guidelines demonstration of successful completion of an Education Evaluation Services for Architects.

"Architectural intern" or *"intern architect"* means an individual who ~~holds a professional degree from a NAAB-accredited program or the equivalent as deemed by the board~~ has completed or is completing an approved education program, has completed or is currently enrolled in the ~~National Council of Architectural Registration Boards (NCARB)~~ NCARB Architectural Experience Program (AXP), and intends to actively pursue licensure by completing the Architect Registration Examination.

"ARE" means the current Architect Registration Examination, as prepared and graded by the NCARB.

"AXP applicant" means an individual who has completed the AXP training requirements set forth in the NCARB Architectural Experience Program Guidelines and has submitted an application for licensure to the board.

"Examination" means the current Architect Registration Examination (ARE) accepted by the board.

"Inactive" means that an architect is not engaged in Iowa in any practice for which a certificate of licensure is required, including architects who have retired from active practice.

"Issuance" means the date of mailing of a decision or order or the date of delivery if service is by other means unless another date is specified in the order.

~~*"NAAB"* means the National Architectural Accrediting Board.~~

"NCARB" means the National Council of Architectural Registration Boards. The NCARB Architect Registration Examination Guidelines, NCARB Architectural Experience Program Guidelines, and NCARB Certification Guidelines are available through the National Council of Architectural Registration Boards, 1401 H Street NW, Suite 500, Washington, D.C. 20005; NCARB's website, www.ncarb.org; or the architectural examining board.

"NCARB Architect Registration Examination (ARE) Guidelines" means the edition of a document by the same title published by the National Council of Architectural Registration Boards in ~~February 2024~~ April 2026. The document outlines the requirements for examination.

"NCARB Architectural Experience Program Guidelines" means the edition of a document by the same title published by the National Council of Architectural Registration Boards in ~~May 2020~~ November 2025. The document outlines the requirements for training.

"NCARB Certification Guidelines" means the edition of a document by the same title published by the National Council of Architectural Registration Boards in ~~July 2022~~ January 2026. The document outlines the requirements for licensure as an architect.

"NCARB Education Guidelines" or *"NCARB Education Standards"* means the edition of a document by the same title published by the National Council of Architectural Registration Boards in ~~December 2023~~ January 2026. The document outlines the requirements for licensure as an architect.

ITEM 2. Amend subrule 2.2(1) as follows:

2.2(1) ~~*Examination*~~ *Initial licensure*. To be eligible for initial licensure by examination, all applicants will have ~~obtained an accredited professional architectural degree from the NAAB,~~ satisfied the architecture education requirements as detailed in paragraph 2.2(1)*"a,"* have passed all divisions of the ARE ~~prepared and~~ as provided by the NCARB, have completed the NCARB ~~Architectural Experience Program,~~ AXP as detailed in paragraph 2.2(1)*"a,"* and have ~~attained~~ established an NCARB council record. A completed NCARB council record shall be transmitted to and filed in the board office. Upon receipt of the council record from NCARB, the board will provide the applicant with an application for licensure form, which must be completed and returned to the board within three months of receipt of the council record. The board shall issue a license number to the applicant upon receipt of the completed application form and appropriate fee.

a. The education and experience requirements are met when an applicant completes one of the following:

(1) A professional degree in architecture from a program that satisfies the NCARB Education Standard or education deemed equivalent by the board and completion of the NCARB AXP one time.

(2) A degree from a four-year bachelor's degree program that includes at least 60 semester credit hours in architecture-related subjects as referenced in the NCARB Certification Guidelines in the Education Alternative section and completion of the NCARB AXP two times.

(3) A two-year associate degree program that includes at least 30 semester credit hours in architecture-related subjects as referenced in the NCARB Certification Guidelines in the Education Alternative section and completion of the NCARB AXP three times.

(4) A high school degree or its equivalent and completion of the NCARB AXP four times.

NOTE: To complete each multiple of the NCARB AXP, the candidate must meet the full program requirements for each multiple as defined in the AXP Guidelines. For example, if a candidate is completing the AXP four times, the candidate must document the required number of hours in each experience area four times. Minimum and maximum hours in each experience setting apply.

~~*a.*~~ *b.* Examinations for licensure as an architect shall be conducted by the board or its authorized representative.

(1) and (2) No change.

~~*b.*~~ *c.* Examination admittance requirements.

~~(1) Have completed the eligibility requirements of the education standards for NCARB certification, which include a professional degree from a program accredited by the NAAB or other NCARB-approved education program, or be a student actively participating in an NCARB-accepted Integrated Path to Architectural Licensure (IPAL) option within an NCARB-approved education program.~~

~~(2) Be enrolled in or have completed the NCARB AXP.~~

(1) An applicant will have established an NCARB record.

(2) NCARB shall notify the testing service of the applicant's eligibility prior to the applicant's scheduling of an examination.

~~*c.*~~ *d.* AXP eligibility requirements will be verified and satisfied in accordance with the NCARB Architectural Experience Program Guidelines. Documentation of AXP training units will be submitted on AXP report forms published by NCARB and will be verified by signatures of the licensed architects serving as the intern architect's supervisors in accordance with the requirements outlined in the NCARB Architectural Experience Program Guidelines. The completed AXP report form shall demonstrate attainment of an aggregate of the minimum number of value units in each training area and shall be submitted to NCARB for evaluation.

[Filed 3/30/26, effective 6/3/26]
[Published 4/29/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0233D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to organizational structure and advisory opinions

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 1, "Iowa Ethics and Campaign Disclosure Board," 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 section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board is rescinding Chapter 1 and adopting a new chapter in lieu thereof. The chapter provides organizational information regarding the Board and the process used to issue advisory opinions.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0084D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 351—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

351—1.1(68A,68B) General agency description.

1.1(1) *Board established.* The Iowa ethics and campaign disclosure board is established as an independent agency of the executive branch of state government with the authority, powers, and duties set out in Iowa Code chapters 68A and 68B.

1.1(2) *Election of officers.* On an annual basis at the board's first meeting after April 30, the members shall elect a chair and vice chair, and members may be reelected or elected to a different office.

1.1(3) *Board meetings.* Meetings of the board are held at the call of the chair or at the request of at least four board members. Minutes of meetings are available for viewing via the board's website.

1.1(4) *Voting and procedure.* Four board members constitute a quorum for conducting the business of the board. An affirmative vote of four board members is required for a motion to pass. The meetings shall be generally conducted according to rules of parliamentary procedure.

This rule is intended to implement Iowa Code sections 68B.32 and 68B.32A.

351—1.2(68B) Requirements for requesting board advisory opinions.

1.2(1) *Who may request opinion.* Any person subject to the board's jurisdiction may request a board advisory opinion. A governmental entity or local government official or employee not under the board's jurisdiction may request a board advisory opinion on an issue subject to the board's jurisdiction. A person requesting an opinion on the application of the ethics and lobbying laws in Iowa Code chapter 68B as applied to the legislative branch of state government shall be referred to the senate and house ethics committees. The board may on its own motion issue opinions without receiving a formal request.

1.2(2) *Form of request.* The request for an opinion shall be in writing and shall describe the specific transaction, conduct, or activity that the requesting person plans to undertake or is presently undertaking.

1.2(3) *Jurisdiction.* The board will issue opinions pertaining only to Iowa Code chapters 68A and 68B or rules adopted thereunder.

This rule is intended to implement Iowa Code section 68B.32A(12).

351—1.3(68B) Processing of advisory opinion requests; routine administrative advice.

1.3(1) Requests for board advisory opinions shall be sent to the board's legal counsel in writing.

1.3(2) After receiving a qualified opinion request, the board's legal counsel shall prepare a draft opinion for board review. Upon an affirmative vote, the board will issue an advisory opinion. Advice contained in an advisory opinion, if followed, constitutes a defense to a subsequent complaint that is based on the same facts and circumstances.

1.3(3) A person who receives an advisory opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

1.3(4) Advisory opinions are public records and shall be made available via the board's website.

1.3(5) Nothing in this rule precludes board staff from providing oral or written routine administrative advice when presented with oral or written inquiries from any person.

1.3(6) Nothing in this rule precludes a person who has received routine administrative advice from petitioning for a declaratory order. The board will refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the original opinion.

This rule is intended to implement Iowa Code section 68B.32A(12).

351—1.4(68B) Board member and staff code of ethics.

1.4(1) Making monetary and in-kind contributions to the committees of candidates for Iowa public office is prohibited. However, contributions to candidates for federal office are permitted.

1.4(2) Serving as an officer or member of a candidate's committee of a candidate for Iowa public office is prohibited, whether the service is volunteer or paid.

1.4(3) Making monetary or in-kind contributions to a political committee (PAC) is prohibited. However, contributions to a state party or a county central committee are permitted.

1.4(4) Running for or holding elected public office is prohibited. Running for or serving as an officer or member of any committee defined under Iowa Code chapter 68A is prohibited.

1.4(5) Public personal endorsement of a candidate or publicly taking a position in support of or opposition to a ballot issue is prohibited. This rule does not prohibit a member of the board or staff from making a public personal endorsement of a federal candidate or a federal ballot issue. Members and staff of the board may attend and participate in a presidential caucus.

1.4(6) Serving as a delegate to a county or state political party convention is prohibited.

1.4(7) Except due to service on the board, members of the board shall not be public officials or public employees.

1.4(8) Except due to service on the board, members of the board shall not be registered lobbyists in the state of Iowa.

1.4(9) The prohibitions in this rule shall not apply to the spouse or other family members of a board member or employee of the board. However, actions by a spouse or other family member may create a potential conflict of interest on the part of the board member or employee that may necessitate recusal from a matter pursuant to Iowa Code section 68B.2A.

This rule is intended to implement Iowa Code sections 68B.2A and 68B.32.

[Filed 4/8/26, effective 6/3/26]
[Published 4/29/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0234D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to public records and fair information practices

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 2, "Public Records and Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding public records and fair information practices. To satisfy these obligations, the Board promulgated Chapter 2 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is rescinding Chapter 2 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0085D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **351—Chapter 2**.

[Filed 4/8/26, effective 6/3/26]
[Published 4/29/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0235D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to campaign disclosure procedures

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 4, "Campaign Disclosure Procedures," 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 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board is rescinding Chapter 4 and adopting a new chapter in lieu thereof. Chapter 4 establishes procedures for campaign disclosure, including organization, requirements related to reporting and financial transactions, requirements for the production of political materials, and penalties.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0089D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 351—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
CAMPAIGN DISCLOSURE PROCEDURES

DIVISION I
ORGANIZATIONAL REQUIREMENTS

351—4.1(68A,68B) Requirement to file statement of organization (DR-1)—persons subject to requirements, financial thresholds, where to file, when due.

4.1(1) *Persons subject to requirement.* Every committee shall file a statement of organization (Form DR-1) within ten days from the date of its organization.

a. "Committee" defined. "Committee" includes the following:

(1) A "candidate's committee" that is the committee, even if the committee consists only of the candidate, designated by a candidate for a state or local office to receive contributions, make expenditures, or incur debts in excess of $1,000.

(2) A "political committee" (PAC), which is a committee that exceeds the $1,000 organizational threshold to expressly advocate the nomination, election, or defeat of candidates or to expressly advocate the passage or defeat of a ballot issue. The board shall automatically classify as a political committee any political organization that loses its status as a political party because it fails to meet the requirements of Iowa Code section 43.2 and any county central committee that operated under the former political party.

(3) A "state statutory political committee" (state central committee or state party), "county statutory political party" (county central committee), or "city statutory political committee" (city central committee).

(4) A person or entity that registers for purposes of using the short form "paid for by" attribution statement pursuant to rule 351—4.11(68A).

b. When organization occurs; financial thresholds. At the latest, organization occurs as of the date the committee first exceeded $1,000 of financial activity (aggregate of monetary and in-kind activity) in a calendar year.

c. Permanent organizations temporarily engaging in political activity. A permanent organization that makes a one-time contribution in excess of $1,000 may in lieu of filing a statement of organization follow the procedure in rule 351—4.35(68A). A permanent organization that makes loans to a candidate or committee or that is owed debts from a candidate or committee is not deemed to be engaging in political activity requiring registration.

d. Independent expenditure committee. An independent expenditure committee or a sole individual making an independent expenditure by filing either Form IE-O or Form IE-I is not required to file a statement of organization.

4.1(2) *Place of filing.* Statements of organization shall be filed through the board's electronic filing system, which can be accessed through the board's website.

4.1(3) *Time of filing.* A committee shall file the statement with the board on or before 4:30 p.m. on the due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the filing deadline is extended to the next working day when the board office is open.

4.1(4) *"Candidate" defined.* For purposes of the board's jurisdiction, "takes affirmative action" includes making a public announcement of intention to seek nomination or election, making any expenditure or accepting any contribution for nomination or election, distributing petitions for signatures for nomination, filing nomination papers or an affidavit of candidacy, or being nominated by any convention process set out by law.

This rule is intended to implement Iowa Code sections 68A.201 and 68A.401.

351—4.2(68A,68B) Information required: committee name.

4.2(1) *Committee's full name required.* The statement of organization shall include the full name of the committee. A committee using an abbreviation or acronym as part of the committee name shall provide with the statement of organization a written explanation of the full word or words that are abbreviated or that form the acronym.

4.2(2) *Duplication of name prohibited.* The committee name shall not duplicate the name of another committee organized under Iowa Code chapter 68A. A committee duplicating the name of another organized committee shall choose a new committee name upon notification from the board. A candidate who files an amended statement of organization to reflect a change in office sought shall not be required to change the name of the candidate's committee unless the committee's name duplicates the name of another organized committee. A committee shall not duplicate the name of a dissolved committee for a period of ten years after the dissolved committee is dissolved, except when the candidate for both committees is the same individual.

4.2(3) *Candidate's surname required in committee name.* A candidate filing a statement of organization shall include the candidate's surname within the committee name.

This rule is intended to implement Iowa Code section 68A.201.

351—4.3(68A,68B) Information required—committee purpose, party affiliation.

4.3(1) *Committee purpose.* An organized committee shall identify the purpose of the committee on the statement of organization. The purpose shall be indicated in part by designating the committee as one of the following types of committees:

a. A candidate's committee for a statewide or legislative candidate or a judge standing for retention. This type of committee is referred to as a state candidate's committee.

b. A political committee that expressly advocates for or against candidates at the state level, referred to as a state PAC.

c. A state statutory political committee, referred to as a state central committee or state party.

d. A county statutory political committee, referred to as a county central committee.

e. A candidate's committee for a candidate seeking county office, referred to as a county candidate's committee.

f. A candidate's committee for a candidate seeking city office, referred to as a city candidate's committee.

g. A candidate's committee for a candidate seeking school board or other political subdivision office except for a county or city office. This type of committee is referred to as a school board or other political subdivision candidate's committee.

h. A political committee that expressly advocates for or against candidates for county office, referred to as a county PAC.

i. A political committee that expressly advocates for or against candidates for city office, referred to as a city PAC.

j. A political committee that expressly advocates for or against candidates for school board or other political subdivision except for county or city candidates. This type of committee is referred to as a school board or other political subdivision PAC.

k. A political committee that expressly advocates for the passage or defeat of a ballot issue, franchise election, or referendum. This type of committee is referred to as a ballot issue committee.

4.3(2) *Party affiliation.* Each candidate's committee shall designate the political affiliation of the candidate unless the candidate is running for nonpartisan office. A committee, except a candidate's committee, shall designate that it is either established to expressly advocate the election or defeat of candidates or the passage or defeat of a ballot issue.

This rule is intended to implement Iowa Code section 68A.201.

351—4.4(68A,68B) Information required—officers, committee information, signatures.

4.4(1) *Committee officers.* The committee shall disclose on the statement of organization the name, mailing address, and telephone number of each officer the committee is required to appoint. Each candidate's committee shall appoint a treasurer who shall be an Iowa resident and at least 18 years of age. Every other committee shall appoint a separate treasurer and chairperson, each of whom shall be at least 18 years of age. The committee may appoint other officers not required by statute without restriction on residency or age, and the committee is not required to disclose these officers. Except for a candidate's committee, every committee shall either have an Iowa resident as treasurer or shall maintain all of the committee's funds in bank accounts in a financial institution in Iowa.

4.4(2) *Committee address and telephone number.* The address and telephone number of the candidate as indicated on the statement of organization shall be the official address and telephone number to be used for communication from the board to the candidate's committee. The address and telephone number of the committee chairperson as indicated on the statement of organization shall be the official address and telephone number to be used for communication from the board to every other committee except for a candidate's committee. If an electronic mail address has been provided on the statement of organization, communication from the board to a committee shall be sent by electronic mail.

4.4(3) *Signatures.* A statement of organization filed electronically using the board's electronic filing system is deemed signed when filed.

This rule is intended to implement Iowa Code section 68A.201.

351—4.5(68A,68B) Segregation and timely deposit of funds; information required—identification of financial institution, account name; notice to treasurer.

4.5(1) *Segregation and deposit of funds.* All committee funds shall be maintained in a financial institution and shall be segregated from any other funds held by a candidate, officer, member, or associate of the committee. The committee treasurer shall deposit all contributions within seven days of receipt by the treasurer in an account maintained by the committee.

4.5(2) *Exceptions from segregation of committee funds.* A candidate's committee that receives contributions only from the candidate is not required to maintain a separate account. A permanent organization temporarily engaging in activity that qualifies it as a political committee that uses existing general operating funds and does not solicit or receive funds from other sources for campaign purposes is not required to maintain a separate account.

4.5(3) *Identification of financial institution and account.* The committee shall disclose on the committee's statement of organization the name and mailing address of all financial institutions in which committee funds are maintained. The committee shall also disclose the name and type of all accounts in which committee funds are maintained, and the name of any such account shall be the same as the committee name on the statement of organization.

4.5(4) *Notice to treasurer.* Any person who receives contributions for a committee shall render the contributions to the treasurer within 15 days of receipt and provide the committee treasurer with the reporting information required by Iowa Code section 68A.203(2).

This rule is intended to implement Iowa Code sections 68A.201 and 68A.203.

351—4.6(68A,68B) Amendments to statement of organization; requirement for new statement of organization for new office sought.

4.6(1) *Amendment within 30 days.* If there is a change in any of the information disclosed on a statement of organization, the committee shall file an amended statement within 30 days of the change.

4.6(2) *New office sought.* A candidate who filed a statement of organization for one office but then seeks another office at an alternative level of government or a candidate who filed a statement of organization for a state office but then seeks an alternative state office may be required to dissolve the candidate's original committee and file a new statement of organization. A candidate not required to file a new statement of organization when seeking another office must file an amended statement of organization to reflect the change in office sought.

4.6(3) *Campaign reports.* A candidate filing a new or amended statement of organization pursuant to this rule shall continue to file the required campaign reports regardless of whether the $1,000 financial filing threshold for the new or amended office has been exceeded.

This rule is intended to implement Iowa Code section 68A.201.

DIVISION II
REPORTING AND FINANCIAL TRANSACTION REQUIREMENTS

351—4.7(68A,68B) Disclosure reporting required; information on initial report; minimum filing if no activity.

4.7(1) *Disclosure reporting required.* Every committee that has filed a statement of organization under Iowa Code section 68A.201 and rule 351—4.1(68A,68B), has exceeded the financial activity threshold set out in Iowa Code section 68A.102(5) or 68A.102(18) prior to the cutoff date for reporting campaign transactions, or has made an independent expenditure shall file a campaign disclosure report pursuant to Iowa Code section 68A.402. Form IE-O shall serve as a campaign disclosure report for an independent expenditure committee. Form IE-I shall serve as a campaign disclosure report for a sole individual making an independent expenditure.

4.7(2) *Information on initial report.* The first disclosure report filed by a committee shall include the financial information covering the period from the beginning of the committee's financial activity through the end of the current reporting period.

4.7(3) *Funds available from prior committee.* If funds are available to a candidate's committee from a prior candidacy of that candidate, or to a ballot issue committee from a prior effort on a ballot issue, and the prior candidacy or effort had not exceeded the financial reporting threshold, the carryover balance shall be disclosed by the new committee. The disclosure shall be made on Schedule A - Contributions and shall include the amount of the carryover, the date of the prior election, and the name and address of any source that made contributions to the candidacy or ballot effort that totaled more than $1,000 during the preceding three calendar years.

4.7(4) *Funds available from preballot issue activity.* Funds that are raised for an activity that is not included in the definition of a ballot issue and that are made available to a subsequent ballot issue committee shall be disclosed by the committee. The disclosure shall be made on Schedule A - Contributions and shall include the amount of the carryover balance, the date of the preballot issue activity, and the name and address of any source that made contributions to the activity that totaled more than $1,000 during the previous three calendar years.

4.7(5) *No financial activity during reporting period.* A committee that did not have any financial activity during the reporting period for which a disclosure report is due shall be required to file only Form DR-2. However, if the committee had previously disclosed debts or loans, those obligations shall again be disclosed on either Schedule D - Incurred Indebtedness or Schedule F - Loans Received and Repaid, as appropriate, and the schedule or schedules shall be included with Form DR-2. A candidate's committee that has reportable campaign property under Iowa Code section 68A.304 shall disclose the property on Schedule H - Campaign Property and the schedule shall be included with Form DR-2.

This rule is intended to implement Iowa Code section 68A.402.

351—4.8(68A,68B) Disclosure reporting required—where reports filed.

4.8(1) *Place of filing.* Disclosure reports shall be filed through the board's electronic filing system.

4.8(2) *Reports made available.* The board shall make available all statements and reports in an electronic format.

This rule is intended to implement Iowa Code sections 68A.401 and 68A.402.

351—4.9(68A) Campaign disclosure report due dates.

4.9(1) *Statewide office, general assembly, judge standing for retention.* A candidate's committee for statewide office or the general assembly or a judge standing for retention shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 or Wednesday preceding primary election* through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 or Wednesday preceding general election* through December 31 of election year

b. Supplementary report.

Report due	Covering period
Friday preceding primary election*	May 15 through Tuesday preceding primary election*
Friday preceding general election*	October 15 through Tuesday preceding general election*

*If supplementary report required. See subrule 4.9(2).

c. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

d. Special election.

Report due	Covering period
Five days preceding the election*	Date of initial activity through tenth day prior to the special election

This report is in addition to the election year reports required under paragraph 4.9(1)"a."*

4.9(2) *Statewide office or general assembly—supplementary reports.* In addition to reports required under subrule 4.9(1), a supplementary report is required if contributions received during the period beginning on the date of initial financial activity, or the day after the period covered by the last report, as applicable, through the Tuesday preceding the primary or general election equal or exceed the following thresholds:

Office sought	Contribution threshold
Governor	$10,000 or more
Other statewide office	$5,000 or more
General assembly	$1,000 or more

4.9(3) *County candidate.* A candidate's committee for county office shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

c. Special election.

Report due	Covering period
Five days preceding the election*	Date of initial activity through tenth day prior to the special election

This report is in addition to the election year reports required under paragraph 4.9(3)"a."*

4.9(4) *City candidate.* A candidate's committee for city office shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before primary election	Date of initial activity through ten days before primary election
Five days before general election	Nine days before primary election through ten days before general election
Five days before runoff election*	Nine days before the general election through ten days before the runoff election
January 19 (next calendar year)	Cutoff date from previously filed report through December 31

*If a runoff election is held.

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

c. Special election.

Report due	Covering period
Five days preceding the election*	Date of initial activity through tenth day prior to the special election

This report is in addition to the election year reports required under paragraph 4.9(4)"a."*

4.9(5) *School board or other political subdivision.* A candidate's committee for school board or other political subdivision office, except for county office or city office, shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before election	Date of initial activity through ten days before election
January 19 (next calendar year)	Nine days before election through December 31

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

c. Special election.

Report due	Covering period
Five days preceding the election*	Date of initial activity through tenth day prior to the special election

This report is in addition to the election year reports required under paragraph 4.9(5)"a."*

4.9(6) *State statutory political committee (state political party).* A state statutory political committee shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(7) *County statutory political committee (county central committee).* A county statutory political committee shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(8) *State political committee (state PAC).* A PAC expressly advocating the nomination, election, or defeat of candidates for statewide office or the general assembly or a judge standing for retention shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
July 19	January 1 through June 30
January 19 (next calendar year)	July 1 through December 31

4.9(9) *County political committee (county PAC).* A PAC expressly advocating the nomination, election, or defeat of candidates for county office shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(10) *City political committee (city PAC).* A PAC expressly advocating the nomination, election, or defeat of candidates for city office shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before primary election	Date of initial activity through ten days before primary election
Five days before general election	Nine days before primary election through ten days before general election
Five days before runoff election*	Nine days before the general election through ten days before runoff election
January 19 (next calendar year)	Cutoff date from previously filed report through December 31

*If a runoff election is held.

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(11) *School board or other political subdivision political committee (school board or other local PAC).* A PAC expressly advocating the nomination, election, or defeat of candidates for school board or other political subdivision office, except for county office or city office, shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before election	Date of initial activity through ten days before election

January 19 (next calendar year)	Nine days before election through December 31

b. *Nonelection year.*

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(12) *Statewide or local ballot issue committee (ballot issue PAC).* A PAC expressly advocating the passage or defeat of a statewide or local ballot issue shall file campaign disclosure reports as follows:

a. *Election year.*

Report due	Covering period
Five days before election	Date of initial activity or previous report through ten days before election
May 19	Date of initial activity or previous report through May 14
July 19	Date of initial activity or previous report through July 14
October 19	Date of initial activity or previous report through October 14
January 19 (next calendar year)	Cutoff date from previously filed report through December 31

b. *Nonelection year.*

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(13) *Permanent organizations.* A permanent organization temporarily engaging in political activity shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The committee shall file reports on the applicable due dates as required by this rule. The reports shall identify the source of the original funds used for a contribution made to a candidate or a candidate's committee. When the permanent organization ceases to be involved in the political activity, the permanent organization shall dissolve the political committee. "Permanent organization" means an organization that is continuing, stable, and enduring, and was originally organized for purposes other than engaging in election activities.

4.9(14) *"Election year" defined.* "Election year" means a year in which the name of the candidate or ballot issue appears on a ballot to be voted on by the electors of the state of Iowa. For state and county statutory political committees, "election year" means a year in which primary and general elections are held.

4.9(15) *Independent expenditure reporting.* An independent expenditure committee that is required to file campaign disclosure reports shall file an initial report at the same time as the committee files its original independent expenditure statement. Form IE-O shall serve as a campaign disclosure report for an independent expenditure committee. Form IE shall serve as a campaign disclosure report for an individual making an independent expenditure.

This rule is intended to implement Iowa Code section 68A.402.

351—4.10(68A) Time of filing. A report must be filed with the board on or before 4:30 p.m. on the due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the due date is extended to the first working day when the board office is open.

This rule is intended to implement Iowa Code sections 68A.401(1) and 68A.402.

351—4.11(68A) Voluntary registration—Form DR-SFA.

4.11(1) *Voluntarily registering a committee.* A committee that has not exceeded the $1,000 financial filing threshold may file Form DR-SFA for purposes of using the short form "paid for by" attribution statement prior to distributing the published material containing the short form attribution statement.

4.11(2) *Threshold later exceeded.* A person filing Form DR-SFA shall not be required to file a statement of organization or be required to file disclosure reports unless the $1,000 threshold is later exceeded. A committee that fails to timely file a statement of organization or to timely file disclosure reports after exceeding the $1,000 threshold may be subject to board sanctions.

4.11(3) *Subsequent elections.* A person who filed Form DR-SFA for one election and then becomes involved in a subsequent election and wants to voluntarily register a committee shall file a new or amended Form DR-SFA that provides information concerning the new election.

This rule is intended to implement Iowa Code sections 68A.201 and 68A.405.

351—4.12(68A,68B) Exemption from reporting requirement—reports due within five days of one another. When two disclosure reports are due from the same committee within five days of each other, the activity may be combined into one report. A committee choosing this option shall file a report on or before the second due date that covers the extended reporting period.

This rule is intended to implement Iowa Code section 68A.402.

351—4.13(68A,68B) Report forms—summary page (DR-2) and supporting schedules.

4.13(1) *Additional information.* The board may require committees to submit relevant information not specifically delineated in Iowa Code chapter 68A where the disclosure report form asks for information.

4.13(2) *Reporting forms.* The disclosure reports shall be submitted using the forms provided in the board's electronic filing system. The forms include:

a. DR-2 — Disclosure Summary Page.

b. Schedule A — Monetary Receipts.

c. Schedule B — Monetary Expenditures.

d. Schedule C — (Reserved).

e. Schedule D — Incurred Indebtedness.

f. Schedule E — In-kind Contributions.

g. Schedule F — Loans Received and Repaid.

h. Schedule G — Consultant Activity.

i. Schedule H — Campaign Property.

4.13(3) *Special information required for city, school, or local ballot issue elections.* Committees expressly advocating the election or defeat of a candidate for city or school public office or expressly advocating the passage or defeat of a local ballot issue shall indicate in the designated spaces on the report summary page the date that the election is to be held, the period covered by the disclosure report, and the county responsible for conducting the election.

4.13(4) *Independent expenditure disclosures.* Form IE-O shall serve as a campaign disclosure report for an independent expenditure committee. Form IE shall serve as a campaign disclosure report for an individual making an independent expenditure.

This rule is intended to implement Iowa Code sections 68A.402A and 68A.404.

351—4.14(68A,68B) Schedule A - Monetary Receipts.

4.14(1) *Reporting of all monetary receipts; chronological listing.* The committee shall report the amounts of all monetary receipts that are accepted by the committee during the reporting period. If a contribution is returned to a contributor prior to the end of the reporting period and is not deposited into the committee's bank account, the contribution is deemed to have been rejected and shall not be reported. A contribution that is physically received and either deposited into the committee's account or not returned by the end of the reporting period is deemed to have been accepted. The schedule entries shall be listed in chronological order by the date on which the contribution was received.

4.14(2) *Date of contribution—date received.* The schedule shall include the month, day, and year that the contribution was physically received by a person on behalf of the committee. If the contribution is by check, the date of the contribution to be reported is the date the check is physically received by a person on behalf of the committee, even if this date is different from the date shown on the check. For contributions received by mail, the date of the contribution to be reported shall be the date that the recipient physically opens the envelope.

4.14(3) *Name and address of contributor; joint accounts.* The schedule shall include the name and address of each person who has made one or more contributions of money to the committee if the aggregate amount of contributions (either monetary or in-kind) received from that person in the calendar year exceeds $25, except that the itemization threshold is $200 for a state statutory political committee and $50 for a county statutory political committee. In the case of a contribution by check, the contributor name on the disclosure report shall be the name shown as the account name on the account, except that if the check is on a joint account, the contribution shall be presumed to be from the person who signs the check.

4.14(4) *Unitemized contributions through freewill donations.* If the committee does not choose to itemize all contributions under the threshold provided in Iowa Code section 68A.402A, it shall aggregate these contributions, report the aggregate amount as unitemized, and affirm that all aggregated contributions do not individually exceed the threshold. The "date received" to be reported for a freewill donation is the date a representative of the committee takes possession of the proceeds of the collection.

4.14(5) *Relationship to candidate.* In the case of contributions to candidates' committees, the schedule shall include information indicating whether the contributor is related to the candidate within the third degree of consanguinity or affinity.

4.14(6) *Relationship to candidate—definitions.* For purposes of this rule:

"Affinity" means a relative through a current marriage. A husband has the same relation, by affinity, to his wife's blood relatives as she has to them by consanguinity and vice versa.

"Consanguinity" means a relative through descent from common ancestors.

"Degree of kinship" is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line.

4.14(7) *Relationship to candidate—example.* Under this rule, a woman's sister is related to her by consanguinity in the second degree. The sister is thus related to the woman's husband by affinity in the second degree. Other examples of relationships within the third degree between a contributor and a candidate would be the following: children and stepchildren (first degree); siblings and half-siblings (second degree); grandparents (second degree); grandchildren (second degree); aunts and uncles (third degree); nieces and nephews (third degree); great-grandparents (third degree) and great-grandchildren (third degree), all irrespective of whether the blood relationship is to the candidate or to the candidate's spouse.

4.14(8) *ID number and check number.* If a contribution to a statewide or general assembly candidate or a judge standing for retention is from a state political committee (state PAC) or state party committee, the candidate receiving the contribution shall include on the candidate's disclosure report the board-assigned identification number of the contributing committee and the check number by which the contribution was made.

4.14(9) *Fundraiser income.* Contributions arising from the sale of goods or services at a fundraising event shall be designated by marking the indicated space on the schedule.

4.14(10) *Interest and other monetary receipts other than contributions.* If the monetary receipt is not a "contribution," the name and address of the source of the funds shall be identified in the space provided for the name and address of "contributor," with a notation as to the purpose of the payment, such as "bank interest."

4.14(11) *Reverse entries—refunds.* If a committee determines to decline or otherwise return a contribution after it has been deposited, the committee may issue a refund to the contributor, which shall be reported on Schedule A as a reverse entry, reducing the monetary receipts.

This rule is intended to implement Iowa Code section 68A.402.

351—4.15(68A,68B) Schedule B - Monetary Expenditures.

4.15(1) *Date expended.* The committee shall report the amounts of all itemized expenditures (expenditures of $5 or more) made by the committee for the reporting period chronologically by the date expended. The date of the expenditure is the date the check is issued. The month, day, and year of the expenditure shall be provided.

4.15(2) *Name and address of recipient.* The schedule shall include the name and address of each person to whom disbursements, other than loan repayments, were made during the reporting period. (Loan repayments shall be reported on Schedule F.)

4.15(3) *Purpose of expenditure.* The schedule shall include a description of the purpose of each disbursement. The description shall be a clear and concise statement that specifically describes the transaction which has occurred. The following general terms are examples of descriptions that are not acceptable: "expenses," "reimbursement," "candidate expense," "services," "supplies," and "miscellaneous expense." The following are examples of acceptable descriptions: "printing—candidate yard signs," "printing—PAC membership solicitation letter," "mailing—candidate brochures," "reimbursement for candidate lodging to attend campaign event," or "mileage reimbursement—150 miles @ 25¢ per mile." A combined description is not acceptable unless sufficient information is provided so that the cost of separate purposes can be discerned, for example, "printing and mailing of 1,000 brochures."

4.15(4) *Miscellaneous (unitemized) expenses.* Notwithstanding the other provisions of this rule, disbursements of less than $5 may be shown as "miscellaneous expenses" for the period so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed $100. If a committee chooses to itemize expenditures that are less than the required itemization threshold, it may do so, but shall either do so for all expenditures or none of the expenditures under the threshold.

4.15(5) *Candidate ID number and committee check number—transactions between committees registered with the board.* If a contribution is made by one Iowa-registered committee to another, the committee making the contribution shall include on the committee's disclosure report the board-assigned identification number of the recipient candidate's committee and the check number by which the contribution was made.

4.15(6) *Check transactions required.* All disbursements, including all expenditures and any other withdrawals from committee funds, shall be by check or debit card. Cash withdrawals and "petty cash" accounts are not permitted. Committees' activities that necessitate cash drawers or other cash transactions shall be conducted and reported as provided by rule 351—4.36(68A,68B).

4.15(7) *Reverse entries—refunds.* If a committee receives a refund of all or part of a disbursement previously made, the committee shall report the refund on Schedule B as a reverse entry, reducing the monetary expenditures. The purpose should include an explanation as to why the refund was made.

4.15(8) *Interest paid; bank charges.* Although repayments of loan principal are reported on Schedule F (more information can be found in rule 351—4.18(68A,68B)), interest payments on loans shall be reported on Schedule B. Bank service charges and fees (e.g., monthly service fees, costs for check printing, returned check charges) shall also be reported and identified on Schedule B.

This rule is intended to implement Iowa Code section 68A.402.

351—4.16(68A,68B) Schedule D - Incurred Indebtedness.

4.16(1) *Reporting of debts and obligations other than monetary loans.* The committee shall report all debts and obligations owed by the committee that are in excess of the thresholds in subrule 4.14(3). This applies to any unpaid debt or obligations incurred by the committee for the purchase of a good or service, either as a debt or obligation owed to the immediate provider of the good or service, or as a debt or obligation owed to an individual who initially personally paid for the good or service on behalf of the committee with the expectation of ultimately receiving reimbursement from the committee. This does not include monetary loans, which shall be reported on Schedule F.

4.16(2) *Date incurred; balance owed.* The committee shall report the amounts of all indebtedness owed by the committee at the end of the reporting period chronologically by the date incurred. The date the debt or obligation is incurred is the date on which the committee committed to obtaining the good or service underlying the obligation and shall be reported using the month, day, and year. This date may be earlier than the date the provider of the good or service issues a bill to the committee. For example, if the committee places a printing order, but the printer does not issue a bill until some time after the order is placed, the date that shall be reported as the date the debt was incurred is the date the order is placed, not the date the bill was issued. If the precise amount of the final bill is not known by the time the report is due, the committee shall provide its best estimate as to what the obligation will be, with an indication "(e)" that the amount reported is an estimate. Debts and obligations incurred and reported in a prior reporting period but that remain unpaid as of the end of the current reporting period shall be included, showing the remaining balance on the obligation. Payments of all or part of a previously reported obligation shall be reported on Schedule D.

4.16(3) *Name and address of person to whom the debt or obligation is owed.* The schedule shall contain the name and address of each person to whom an obligation is owed. If the obligation is owed to an individual who initially personally paid for the good or service on behalf of the committee with the expectation of ultimately receiving reimbursement from the committee, the original nature of the obligation shall be provided; the name and address of the original provider of the good or service shall also be provided, unless the nature of the obligation indicates that the obligation is for the anticipated reimbursement for mileage or postage stamps.

4.16(4) *Nature of obligation.* The schedule shall include a description of the nature of each obligation. The description shall be a clear and concise statement that specifically describes the transaction that has occurred. Examples of general terms that are not acceptable are included in subrule 4.15(3).

This rule is intended to implement Iowa Code section 68A.402.

351—4.17(68A,68B) Schedule E - In-kind Contributions.

4.17(1) *Reporting of all in-kind contributions; chronological listing.* The committee shall report the amounts of all in-kind contributions that are accepted by the committee during the reporting period in chronological order by the date on which the contribution is received.

4.17(2) *Date of contribution—date received.* The schedule shall include the month, day, and year on which the in-kind contribution was provided to the committee.

4.17(3) *Name and address of contributor.* The schedule shall include the name and address of each person who has made one or more in-kind contributions to the committee if the aggregate amount of contributions (either monetary or in-kind) received from that person in the calendar year exceeds $25, except that the itemization threshold is $200 for a state statutory political committee and $50 for a county statutory political committee.

4.17(4) *Relationship to candidate.* In the case of in-kind contributions to candidates' committees, the schedule shall include information indicating whether the contributor is related to the candidate within the third degree of consanguinity or affinity as defined in subrule 4.14(5).

4.17(5) *Description of in-kind contribution; loaned equipment as in-kind contribution.*

a. The schedule shall include a description of the good or service contributed to the committee in kind. The description shall be a clear and concise statement that specifically describes the transaction that has occurred. Examples of general terms that are not acceptable are included in subrule 4.15(3).

b. A committee's use of equipment owned by another organization, committee, or individual is reportable as an in-kind contribution. Equipment includes but is not limited to computers, copy machines, office space, and printers.

4.17(6) *Fair market value.* The committee shall report the actual value of the good or service rendered. However, if the actual value is unknown, the committee may use the estimated fair market value.

4.17(7) *Fundraiser item.* Goods or services contributed in kind for sale at a fundraising event shall be designated by marking the indicated space on the schedule.

4.17(8) *Unitemized in-kind contributions.* Notwithstanding the other provisions of this rule, in-kind contributions with a fair market value less than the itemization threshold noted in subrule 4.17(3) may be reported as "unitemized in-kind contributions."

This rule is intended to implement Iowa Code section 68A.402.

351—4.18(68A,68B) Schedule F - Loans Received and Repaid.

4.18(1) *Reporting of monetary loans (not debts and obligations for goods and services).* The committee shall report all loan activity made to or repaid by the committee during the reporting period. This applies to any loan of money that is deposited into the committee's accounts. However, other debts and obligations owed for the provision of goods or services to the committee (that are not monetary advances) shall be reported on Schedule D.

4.18(2) *Report of lump sum of unpaid loans carried over from last report.* The schedule shall contain a beginning entry of the total unpaid loans as of the last report. Loans received and itemized on prior reports should not be re-itemized on the current report, except as necessary to indicate repayment activity.

4.18(3) *Date received.* The schedule shall include the month, day, and year the loan was physically received by a person on behalf of the committee. If the loan was by check, the date of the loan to be reported is the date the check is physically received by a person on behalf of the committee, even if this date is different from the date shown on the check.

4.18(4) *Date paid.* Full or partial loan repayments made by the committee shall be reported using the month, day, and year. The date of the repayment is the date the check is issued. Full or partial loan repayments shall be shown on this schedule and should not be reported on Schedule B. However, loan interest payments shall be reported on Schedule B (more information can be found in rule 351—4.15(68A,68B)) and not on Schedule F. Loans that are forgiven in full or in part are considered in-kind contributions and shall be itemized on Schedule E, with a cross-reference entry in the space provided on Schedule F.

4.18(5) *Name and address of lender.* The schedule shall include the name and address of each person who has made one or more loans of money to the committee during the reporting period, or to whom the committee makes a loan repayment during the reporting period. When the original source of the money is a third party (such as a bank that loans money to an individual who loans it to the committee) or if a third party has personally paid and assumed a loan from the original lender (such as an individual who pays off the loan to the bank with the expectation of receiving the loan repayment from the committee), the report shall also identify the name and address of the third party.

4.18(6) *Relationship to candidate.* In the case of monetary loans to candidates' committees, the schedule shall include information indicating whether the lender is related to the candidate within the third degree of consanguinity or affinity, as defined in subrule 4.14(5).

This rule is intended to implement Iowa Code section 68A.402.

351—4.19(68A) Schedule G - Breakdown of Monetary Expenditures by Consultants.

4.19(1) *Reporting consultant expenditures.* A committee that enters into a contract with a consultant for future or continuing performance shall be required to report expenditures made to the consultant and the nature of the performance of the consultant that is expected to be received by the committee. A committee is required to report in Part 1 of Schedule G any contracts with consultants that it has negotiated, the complete name and address of the consultant, the period of time during which the contract is in effect, and estimates of performance to be derived from the contract. Expenditures made to the consultant during a reporting period shall be reported with all other expenditures on Schedule B, and debts incurred with the consultant during the reporting period shall be reported with all other debts on Schedule D. Additionally, a detailed breakdown of the expenditures made by the consultant in furtherance of the contract with the committee shall be reported by the committee in Part 2 of Schedule G and shall include the date, purpose, and amount of the expenditure. The description of the purpose of the expenditure shall be consistent with the provisions of subrule 4.15(3).

4.19(2) *Definitions.* For purposes of this rule:

"Contract" means an oral or written agreement between two parties for the supply or delivery of specific services in the course of the campaign.

"Estimate of performance" means a clear description of the services the committee reasonably expects to receive or the benefit the committee reasonably expects to derive during the period of the contract.

"Nature of performance" means a clear description of the specific services received or benefit derived as the result of a contract with a consultant.

"Performance" means the execution or fulfillment of the contractual agreement.

This rule is intended to implement Iowa Code sections 68A.102(9) and 68A.402A.

351—4.20(68A,68B) Schedule H - Campaign Property.

4.20(1) *Ongoing inventory.* Equipment, supplies, or other materials purchased with campaign funds or received in kind are campaign property. Campaign property, other than consumable campaign property, with a value of $500 or more when acquired by the committee shall be listed on the inventory section of Schedule H. The property shall be listed on each report until it is disposed of by the committee or its residual value falls below $100, so long as the property is listed with a value of less than $100 on the report immediately following its depreciation below that threshold. For in-kind contributions, the date received shall be the date on which the committee attained physical possession of the property. The committee shall provide the month, day, and year of the purchase or attainment of physical possession. The schedule shall include the purchase price of property purchased by the committee and the actual or estimated fair market value of property received as an in-kind contribution, as well as the actual or estimated current fair market value of the property at the end of the current reporting period.

4.20(2) *"Consumable campaign property" defined.* "Consumable campaign property" means stationery, yard signs, and other campaign materials that have been permanently imprinted to be specific to a candidate or election. For consumable campaign property purchased by the committee, the date purchased shall be the earlier of the date the committee attained physical possession of the property or the date the committee issued payment for the property.

4.20(3) *Sales or transfers of campaign property.* Schedule H shall include information regarding the sale or transfer of campaign property, other than consumable campaign property, that occurred during the current reporting period. The information shall include the month, day, and year of the transaction; the name and address of the purchaser or donee; and a description of the property. If the property is sold, the information shall include the sale price received; if the property is donated, the information shall include the fair market value of the property at the time of the transfer.

This rule is intended to implement Iowa Code sections 68A.304 and 68A.402.

351—4.21(68A) Filing of reconciled bank statement. A candidate, a committee, an independent expenditure committee, or a sole individual filing Form IE-I may be required to submit a copy of a bank statement including a reconciliation to justify outstanding checks and other discrepancies between the ending balance on the bank statement and the ending balance on a statement or report when requested to do so by the board. The board may impose sanctions against a person for failing to file a requested reconciled bank statement.

This rule is intended to implement Iowa Code sections 68A.402A and 68B.32A(4).

351—4.22(68A,68B) Verification of reports; incomplete reports.

4.22(1) Board staff will review and audit each disclosure report. The board may contact other parties to verify the accuracy and completeness of the reports. The board may contact a representative of the committee and other parties to determine the authenticity of information provided on filed reports.

4.22(2) If, upon review, board staff determines that a report is incomplete because required information has been omitted or has been incorrectly reported, staff shall communicate the deficiencies. A failure to satisfactorily respond to or to remedy the error or omission may be grounds for a violation of Iowa Code section 68A.402 as a failure to file a report that conforms to the requirements of Iowa law.

This rule is intended to implement Iowa Code sections 68A.402 and 68B.32A.

351—4.23(68A,68B) Amendment—statements, disclosure reports and notices. A committee may amend a previously filed statement of organization, disclosure report, or notice of dissolution. To amend a previously filed statement, report, or notice, the committee shall file an amended document on the approved form and shall designate on the form in the space provided, if applicable, that the document being filed is an amendment to a previously filed statement, report, or notice. The term "amended document" as used in this rule shall mean a document on forms issued by the board that includes only the information that is being added, deleted, or changed.

This rule is intended to implement Iowa Code section 68A.402.

351—4.24(68A) Reporting of state party building fund transactions.

4.24(1) *Reporting requirements.* Pursuant to Federal Election Commission Advisory Opinion 2004-28, the board will permit a state statutory political committee (state party committee) to receive contributions from corporations, insurance companies, and financial institutions when those contributions are placed in the state party building fund account and used to pay for costs associated with the building, and all transactions involving the fund are disclosed pursuant to this rule.

4.24(2) *Period covered.* A state party building fund report shall cover the time period from January 1 through December 31 of the previous year.

4.24(3) *Information to be disclosed.* The following information shall be disclosed on a state party building fund report:

a. The name and address of the state party committee.

b. The name and address of each person or entity making a contribution in excess of $200, or contributions in the aggregate that exceed $200, during the period covered. If no contributions were received, the report shall disclose $0 as contributions received.

c. The month, day, year, and the amount of the contribution. If aggregate contributions from one person or entity exceed $200, the amount to be disclosed shall be the total amount received from that person or entity for the period covered, and the date shall be the date of the last contribution.

d. The total amount of all contributions of $200 or less received during the period covered, which may be disclosed as being received from "unitemized" with the date of the contribution being the last day of the reporting period. If a fund chooses to itemize contributions that are less than the required itemization threshold, it may do so but shall either do so for all contributions or none of the contributions under the threshold.

e. The name and mailing address of each person or entity to whom an expenditure that exceeds $200 is made, or expenditures in the aggregate that exceed $200 during the period covered. If no expenditures were made from the fund, the report shall disclose $0 as expenditures made.

f. The month, day, and year and the amount of the expenditure. If aggregate expenditures that exceed $200 are made to one person or entity, the amount shall be the total amount made to that person for the period covered and the date shall be the date of the last expenditure.

g. The total amount of all expenditures of $200 or less made during the period covered, which may be disclosed as being expended to "unitemized" with the date of the expenditure being the last day of the reporting period. If the fund chooses to itemize expenditures that are less than the required itemization threshold, it may do so, but shall either do so for all expenditures or none of the expenditures under the threshold.

h. The signature and date of the individual filing the state party building fund report.

4.24(4) *Time of filing.* A state party building fund report shall be filed no later than January 31 of each year. If January 31 falls on a weekend or holiday on which the board office is closed, the due date shall be extended to the next working day when the board office is open.

4.24(5) *Failure to file.* If the board determines a state party committee has failed to timely file a state party building fund report, the state party committee is subject to board sanctions.

This rule is intended to implement Iowa Code sections 68A.402A(1)*"k"* and 68A.503.

351—4.25(68A,68B) Legitimate expenditures of campaign funds.

4.25(1) Expenses that may be paid from campaign funds for campaign purposes include but are not limited to the following items, so long as the items are for the sole purpose of promoting or enhancing the candidacy of the candidate:

a. Electronic media advertising, such as radio, television, and Internet.

b. Printed advertising, such as newspaper, magazine, newsletter, and shopper advertising.

c. Printed promotional materials, such as brochures, flyers, invitations, stationery, envelopes, reply cards, return envelopes, campaign business cards, direct mailings, buttons, stickers, bumper stickers, pencils, pens, balloons, notepads, magnets, key chains, and articles of clothing that include political advertising.

d. Campaign signs, such as yard signs, car signs, and billboards.

e. Travel and lodging expenses of campaign workers for campaign purposes and political party activities. Travel and lodging expenses for a candidate to attend a national political party convention are also permitted.

f. Contributions to political party committees.

g. The purchase of tickets to a meal for the candidate and one guest. However, the purchase or rental of clothing to attend an event is not a permissible campaign expenditure.

h. General campaign expenditures, such as printing; mailing; office supplies; photographs; gambling permits; fundraiser prizes; and telephone, Internet, and computer services.

i. Purchase or lease of campaign equipment, such as copy machines, telephones, computer hardware, software, and printers.

j. Purchase or lease of campaign office space, parking lots, or storage space and payment for campaign office utilities and maintenance.

k. Payment of salaries, fringe benefits, bonuses, and payroll taxes of paid campaign staff. Family members who perform actual work or services for a campaign and are not the candidate, candidate's spouse, or candidate's dependent children may be compensated for such work or services.

l. Payment for check printing and financial institution banking service charges. Banking service charges include but are not limited to the costs of maintaining a committee bank account.

m. Lease or rental of a campaign vehicle, provided that a detailed trip log that provides dates, miles driven, destination, and purpose is maintained. Noncampaign miles shall be reimbursed to the committee at an amount not to exceed the current rate of reimbursement allowed under the standard mileage rate for computations of business expenses pursuant to the Internal Revenue Code. The purchase of a campaign vehicle is prohibited.

n. Reimbursement to candidates and campaign workers for mileage driven for campaign purposes in a personal vehicle, provided that a detailed trip log that provides dates, miles driven, destination and purpose is maintained. Reimbursement shall be paid at an amount not to exceed the current rate of reimbursement allowed under the standard mileage rate for computations of business expenses pursuant to the Internal Revenue Code.

o. Payment for food expenses and supplies for campaign-related activities, such as the purchase of food, beverages, and table service for fundraising events or campaign volunteers. However, except as provided in paragraph 4.25(1)*"h,"* the purchase of tickets for meals or fundraising events for other candidates is prohibited, and the purchase of groceries for the candidate or candidate's family is also prohibited. Payment for meals for the candidate is permitted as an allowable expenditure for campaign purposes if the meal was associated with campaign-related activities.

p. Payment of civil penalties and hearing costs assessed by the board.

q. Payment for the services of attorneys, accountants, consultants, or other professional persons when those services relate to campaign activities.

r. Subscriptions to newspapers and periodicals that circulate within the area represented by the office that a candidate is seeking or holds that contain information of a general nature about the state or political subdivision, and subscriptions that contain information useful to all candidates, such as those to national news outlets.

s. Membership in service organizations, including a local chamber of commerce.

t. Repayment of loans made to the committee. Candidates who make loans to their own committees shall not charge interest on the loans.

u. Purchase of reports of other candidates and political committees so long as the reports' contents are not used for solicitation or commercial purposes.

v. Donations to charitable organizations unless the candidate or the candidate's spouse, child, stepchild, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, parent, parent-in-law, or stepparent is employed by the charitable organization and will receive a direct financial benefit from the donation.

w. Contributions to federal, state, county, and city political party committees.

x. Refunds to contributors when a contribution has been accepted in error or when a committee chooses to dispose of leftover funds by refunding them in prorated shares to contributors.

y. Payment for items with a purchase price not to exceed $250 per person that are presented to committee workers in recognition of services to the committee.

z. Expenses incurred with respect to an election recount as provided in Iowa Code section 50.48.

aa. The sharing of information in any format, such as yard sign locations, email lists, or lists of registered voters, with another candidate's committee.

4.25(2) Expenses that may be paid from campaign funds for educational and other expenses associated with the duties of office include but are not limited to the following items:

a. Purchase or lease of office supplies and equipment, such as paper, copy machines, telephones, facsimile machines, computer hardware, software, and printers.

b. Travel, lodging, and registration expenses associated with attendance at an educational conference of a state, national, or regional organization whose memberships and officers are primarily composed of state or local government officials or employees.

c. Meals and other expenses incurred in connection with attending a local meeting to which the officeholder is invited and attends due to the officeholder's official position as an elected official.

d. Purchases of small, incidental items such as pencils, pens, rulers, and bookmarks provided to members of the public touring the offices of the state or a political subdivision. Such items, if intended for distribution on public property, shall not expressly advocate the election or defeat of a candidate or the adoption or defeat of a ballot issue as prohibited in Iowa Code section 68A.505. For example, a bookmark bearing the state seal could be distributed on public property, while a bookmark that identified the donor as a candidate for office could not.

e. Gifts purchased for foreign dignitaries when the officeholder is part of an official trip out of the country, such as a trade mission or exchange program.

f. Printing of additional stationery and supplies above the standard allotment of the state or political subdivision.

4.25(3) Expenses that may be paid from campaign funds for constituency services include but are not limited to the following items:

a. Mailings and newsletters sent to constituents, including holiday and other greeting cards.

b. Polls and surveys conducted to determine constituent opinions.

c. Travel expenses incurred in communicating with members of an elected official's constituency, provided that a detailed trip log with dates, miles driven, destination, and purpose is maintained. Mileage reimbursement shall be paid at an amount not to exceed the current rate of reimbursement allowed under the standard rate for computations of business expenses pursuant to the Internal Revenue Code. However, meal expenses are not allowable as expenses associated with constituency services under any circumstances.

This rule is intended to implement Iowa Code sections 68A.301, 68A.302, and 68A.303.

351—4.26(68A) Transfers between candidates.

4.26(1) *Transfer of assets between different candidates.* A candidate's committee may transfer an asset to a candidate's committee established by a different candidate so long as the recipient committee pays the transferring committee the fair market value of the asset and the transaction is properly disclosed on each committee's disclosure report.

4.26(2) *Transfer of assets for same candidate.* A candidate's committee may transfer funds, assets, loans, and debts to a committee established for a different office when the same candidate established both committees. A candidate seeking to transfer funds, assets, loans, or debts under this rule shall file either an amended statement of organization disclosing information for the new office sought or register a new committee regardless of whether the $1,000 financial filing threshold for the new office will be exceeded.

This rule is intended to implement Iowa Code section 68A.303.

351—4.27(68A) Independent expenditure requirements.

4.27(1) *Filing of independent expenditure statement.* Any person except a candidate, a committee filing a statement of organization, a federal committee, or an out-of-state committee that makes one or more independent expenditures in excess of $1,000 in the aggregate shall file Form IE-O. A sole individual making one or more independent expenditures in excess of $1,000 in the aggregate shall file Form IE-I. A committee that has registered by filing a statement of organization shall disclose an independent expenditure on the appropriate campaign disclosure report.

4.27(2) *Independent expenditure reporting.* When applicable under Iowa Code section 68A.404 and this rule, Form IE-O shall be filed by a person and Form IE-I shall be filed by a sole individual. Both forms shall be filed electronically within 48 hours of making the independent expenditure exceeding $1,000 in the aggregate or within 48 hours of disseminating the communication, whichever is earlier. An independent expenditure is deemed made at the time the cost is incurred regardless of whether or not the costs have been billed.

4.27(3) *Failure to file.* Failure to timely file either independent expenditure form shall be subject to the imposition of civil penalties pursuant to subrule 4.59(7).

4.27(4) *Attribution statement applicable.* Any person who makes an independent expenditure in any amount shall comply with the appropriate "paid for by" attribution statement requirements pursuant to Iowa Code section 68A.405 and rule 351—4.38(68A).

This rule is intended to implement Iowa Code section 68A.404.

351—4.28(68A) Contributions and independent expenditures by foreign nationals.

4.28(1) *Prohibition.* A foreign national shall not, directly or indirectly, make a contribution to a candidate or to a committee organized under Iowa Code chapter 68A. Foreign nationals are also prohibited from making independent expenditures in relation to any state or local election in Iowa.

4.28(2) *Acceptance of campaign contributions and donations from foreign nationals.* No person shall knowingly accept or receive a campaign contribution from a foreign national. No person shall knowingly accept a monetary donation from a foreign national for purposes of making an independent expenditure.

4.28(3) *Participation by foreign nationals in decisions involving election-related activity.* A foreign national shall not, directly or indirectly, participate in the decision-making process of any person with regard to such person's campaign-related activities, including making contributions, donations, or expenditures in connection with elections for state or local office, ballot issues, or decisions involving the administration of a committee.

This rule is intended to implement Iowa Code section 68A.404(2)*"c."*

351—4.29(68A,68B) Contributions by minors. Persons under 18 years of age may make contributions to a candidate or political committee if all of the following conditions exist:

4.29(1) The decision to contribute is made knowingly and voluntarily by the minor;

4.29(2) The funds, goods, or services contributed are owned or controlled exclusively by the minor, such as income earned by the minor, the proceeds of a trust for which the minor is the beneficiary, or a savings account opened and maintained exclusively in the minor's name; and

4.29(3) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another person.

This rule is intended to implement Iowa Code section 68A.404.

351—4.30(68A,68B) Funds from unknown source prohibited; subsequent identification of source; notice to contributors.

4.30(1) *Anonymous contributions in excess of $25 prohibited.* No person shall make a contribution in excess of $25 to a committee without providing the person's name and address to the committee.

4.30(2) *Escheat to the state.* Any contribution in excess of $25 from an unknown source or campaign funds in excess of $25 that cannot be accounted for and reconciled shall escheat to the state of Iowa. A committee required to escheat shall do so by depositing the funds into the committee's campaign account and issuing a committee check to "State of Iowa" in the same amount. The committee check shall be sent to the board office for processing and transfer to the office of the treasurer of state, which shall deposit the check into the general fund.

4.30(3) *Subsequent identification of source.* A committee discovering the source of any funds that have been escheated to the state may make an application to the board for a return of the funds if the following requirements are met:

a. The committee has not dissolved;

b. Documentation of the name and address of the source is provided;

c. The amount requested to be returned is in excess of $100; and

d. The application is made within 90 days of the date of the deposit in the general fund of the state of Iowa.

4.30(4) *Notice at fundraising event.* A person requested to make a contribution at a fundraising event shall be advised that it is illegal to make a contribution in excess of $25 unless the person making the contribution also provides the person's name and address. Notice may be made orally or in a written statement that is displayed at the fundraising event.

This rule is intended to implement Iowa Code section 68A.501.

351—4.31(68A) Information required for contributions from a trust.

4.31(1) *Prohibition on contributions in the name of another.* A contribution to a committee by a trustee solely in the name of the trust constitutes a contribution in the name of another person prohibited by Iowa Code section 68A.502 unless the recipient committee publicly discloses the contribution as provided in this rule.

4.31(2) *Living or revocable trust.* If the contribution involves a trust identified as a revocable trust or a living trust that does not file a separate trust tax return and whose federal tax ID number is the same as the social security number of the grantor who creates the trust and who is also a trustee, the contribution shall be reported by the recipient committee as being made by the "(name) revocable (or living) trust."

4.31(3) *Other trusts.* For a contribution involving a trust that does not qualify under subrule 4.31(2), the recipient committee shall identify the trust, the trustee, and the trustor.

4.31(4) *Registering a committee.* A trust, except for a living or revocable trust, that raises or spends more than $1,000 for campaign activities shall register a PAC and shall file disclosure reports. A trust, except for a living or revocable trust, that makes a one-time contribution in excess of $1,000 may file Form DR-OTC in lieu of filing a statement of organization and filing disclosure reports.

This rule is intended to implement Iowa Code sections 68A.402(6) and 68A.502.

351—4.32(68A) Contributions from political committees not organized in Iowa.

4.32(1) *Definition.* Iowa committees may receive contributions from committees organized outside Iowa provided the out-of-state committee complies with either subrule 4.32(2) or 4.32(3). For purposes of this rule, "out-of-state committee" means a committee that is registered with the campaign enforcement agency of another state or is registered with the Federal Election Commission. For purposes of this rule, "contribution" does not include an item purchased at fair market value from an Iowa committee.

4.32(2) *Regular filings.* Out-of-state committees may choose to comply with the regular disclosure filing requirements in Iowa Code sections 68A.201 and 68A.402 by filing a statement of organization and periodic disclosure reports.

4.32(3) *Verified statement of registration.* In lieu of regular filings referenced in subrule 4.32(1), the out-of-state committee shall file with the board a verified statement registration form (VSR) for each contribution in excess of $50. The VSR shall contain the following information:

a. The complete name, mailing address, email address, and telephone number of the out-of-state committee;

b. The state or federal agency with which the out-of-state committee is registered;

c. All parent entities or other affiliates or sponsors of the out-of-state committee;

d. The purpose of the out-of-state committee;

e. The name, mailing address, email address, and telephone number of an Iowa resident authorized to receive service on behalf of the out-of-state committee;

f. The name and mailing address of the Iowa recipient committee;

g. The date and amount of the contribution, including description if the contribution is in-kind; and

h. An attested statement that the jurisdiction with which the out-of-state committee is registered has reporting requirements substantially similar to those of Iowa Code chapter 68A. The statement shall include confirmation that the contribution is made from an account that does not accept contributions prohibited by Iowa Code section 68A.503 unless the contribution from the out-of-state committee is made to an Iowa ballot issue committee.

4.32(4) *When filed.* The VSR shall be filed with the board on or before the fifteenth day after the date of the contribution. For purposes of this rule, "date of the contribution" means the day, month, and year the contribution check is dated. If the board deems it necessary, a copy of any contribution check may be required to be filed within ten days after notice by the board.

4.32(5) *Enhanced filing.* An out-of-state committee determining that the jurisdiction under which the committee is registered does not have reporting requirements substantially similar to those of Iowa Code chapter 68A may choose to comply by enhancing the committee's filing in the other jurisdiction. The enhanced filing shall meet the reporting requirements of Iowa Code chapter 68A for the reporting period during which contributions to Iowa committees are made. The report shall cover a period of at least one month. An out-of-state committee choosing this option shall comply with the VSR procedures in subrule 4.32(3) and affirm that the report has been enhanced to satisfy the Iowa reporting requirements.

This rule is intended to implement Iowa Code section 68A.201A.

351—4.33(68A) Reporting of earmarked contributions. A political committee or a political party committee is permitted to receive a contribution that is earmarked to be donated to another committee. A political committee or political party committee receiving and transferring an earmarked contribution is required to list on its disclosure report the name of the contributor and the name of the candidate or committee for which the contribution is earmarked. The political committee or political party committee shall notify the recipient committee in writing of the name of the individual contributor and the name of the committee that originally received the contribution. The committee ultimately receiving the earmarked contribution shall disclose on its disclosure report both the name of the individual contributor and the name of the committee that originally received and then transferred the earmarked contribution. A ballot issue committee is not permitted to transfer earmarked contributions except to another ballot issue committee.

This rule is intended to implement Iowa Code section 68A.402.

351—4.34(68A) Copies of reports filed by 527 committees. If a 527 committee notifies the board that it is filing reports with the Internal Revenue Service, the 527 committee will be deemed in compliance with Iowa Code section 68A.401A. The board will then share a link on its website to the reports filed with the Internal Revenue Service or otherwise post the Internal Revenue Service reports on its website.

This rule is intended to implement Iowa Code section 68A.401A.

351—4.35(68A) Permanent organizations forming temporary political committees; one-time contributor filing Form DR-OTC.

4.35(1) *Form DR-OTC.* A permanent organization that makes a one-time contribution in excess of $1,000 to a committee may, in lieu of filing a statement of organization, disclosure reports, and a notice of dissolution, file Form DR-OTC. The following information shall be disclosed on Form DR-OTC:

a. The name and address of the organization making the contribution.

b. The name and address of a contact person for the organization.

c. The name and address of the committee receiving the contribution. If the contribution is to a candidate or a candidate's committee, the source of the original funds used to make the contribution shall be disclosed.

d. The date and amount of the contribution. If the contribution is an in-kind contribution, a description of the provided goods or services must be included.

e. The date of election and the county in which the recipient committee is located if the committee is a county or local committee.

f. The date and signature of the person filing Form DR-OTC. A Form DR-OTC that is filed electronically using the board's website is deemed signed when filed.

4.35(2) *Multiple contributions.* A permanent organization that makes more than one contribution in a calendar year is not eligible to file Form DR-OTC and is required to file a statement of organization and disclosure reports if the contributions cross the financial threshold requiring committee registration.

4.35(3) *Time of filing.* Form DR-OTC shall be filed with the board on or before 11:59 p.m. on the tenth day after the one-time contribution in excess of $1,000 is made. If the tenth day falls on a day on which the board office is closed, the filing deadline is extended to the next working day when the board office is open.

4.35(4) *Failure to register.* If the board discovers that a permanent organization has become subject to the provisions of Iowa Code chapter 68A but did not timely file a statement of organization or file Form DR-OTC, as applicable, the permanent organization may be subject to board sanctions.

4.35(5) *Partial refund of contribution.* A committee that receives a contribution from a permanent organization that causes the organization to become subject to the provisions of Iowa Code chapter 68A may refund all or part of a contribution to the organization so as to reduce the contribution to $1,000 or less and eliminate the organization's filing obligations.

This rule is intended to implement Iowa Code sections 68A.102(18) and 68A.402.

351—4.36(68A) Cash transactions. All disbursements, including all expenditures and any other withdrawals from committee funds, shall be by check, debit card, or credit card. Cash withdrawals and "petty cash" accounts are not permitted. If a fundraising activity necessitates a cash drawer, the committee may issue a check payable to the committee treasurer or chairperson registered with the board or the candidate. The purpose of the expenditure shall be reported on Schedule B as "cash advance for (describe activity, e.g., concession stand cash drawer)." Upon completion of the fundraising activity, the committee shall redeposit the same amount as that which was advanced into the committee account. The redeposit shall be reported as a reverse entry on Schedule B as a "redeposit of cash advance for (describe activity)." The proceeds of the fundraising activity (excluding the cash advance) shall be reported on Schedule A.

This rule is intended to implement Iowa Code sections 68A.203 and 68A.402A.

351—4.37(68A,68B) Recordkeeping.

4.37(1) *Copies of reports.* A committee shall preserve a copy of every report it files for at least three years following the filing of the report.

4.37(2) *Supporting documentation.*

a. The documentation that supports a committee's disclosure report shall be preserved by the committee for at least five years after the due date of the report; however, a committee is not required to preserve these records for more than three years from the certified date of dissolution of the committee. At a minimum, the supporting documentation shall consist of all of the following:

b. A ledger or similar recordkeeping device that details all contributions received by the committee. This record shall include the name and address of each person making a contribution in excess of $25 with the corresponding date and amount of the contribution. In lieu of or in addition to a ledger, the committee may record contributions received through a receipt book or other method of individually documenting the contributions, such as by making and keeping copies of the contribution checks.

c. The check register for the committee's account(s).

d. Bank statements for the committee's account(s).

e. Copies of canceled or duplicate checks for committee expenditures, if available.

f. Copies of bills or receipts for committee expenditures.

g. For committees that pay reimbursement for committee-related mileage, copies of vehicle mileage logs, including travel dates, distance driven, and travel purpose (description of event or activity).

For a candidate's committee that leases a vehicle, the mileage log shall detail all mileage driven on the vehicle, including non-committee-related mileage.

4.37(3) *Records forwarded.* An officer of a committee who is replaced by another officer shall forward within seven days any committee records to the subsequently appointed or elected committee officer. The board may grant an extension of time for good cause. Failure to forward records pursuant to this rule may subject the former officer to board sanctions.

This rule is intended to implement Iowa Code sections 68A.203, 68A.302, 68A.402, 68A.403 and 68B.32A.

DIVISION III
POLITICAL MATERIAL—ATTRIBUTION STATEMENTS

351—4.38(68A) Political attribution statement.

4.38(1) *Required content.* Published material that expressly advocates for or against a clearly identified candidate or ballot issue shall contain a statement identifying the person paying for the published material. This statement is referred to as the "attribution statement."

4.38(2) *Registered committee.* If the person paying for the published material is a committee that has filed a statement of organization, the words "paid for by" and the name of the committee shall appear on the material. An independent expenditure committee is not a registered committee.

4.38(3) *Individual, married couple, or unregistered candidate's committee.* If the person paying for the published material is an individual, the words "paid for by" and the name and address of the individual shall appear on the material. Published material that is jointly paid for by a married couple shall include the words "paid for by" and the name and address of one member of the married couple. For purposes of this rule, "individual" includes a candidate who has not filed a statement of organization to register a committee.

4.38(4) *Multiple individuals.* If more than one individual paid for the published material, the words "paid for by" and the names and addresses of the individuals shall be included.

4.38(5) *Organization or unregistered political committee.* If the person paying for the published material is an organization, the words "paid for by," the name and address of the organization, and the name of one officer of the organization shall appear on the material. For purposes of this rule, "organization" includes an organization advocating the passage or defeat of a ballot issue but that has not filed a statement of organization to register a political committee.

4.38(6) *Corporations.* If the person paying for the published material is a corporation, the words "paid for by," the name and address of the corporation, and the name and title of the corporation's chief executive officer shall appear on the material.

4.38(7) *Independent expenditures.* A person, including a sole individual, making an independent expenditure shall provide the attribution statement according to the appropriate category under this rule. The attribution statement shall also include a statement that the published material was not authorized by any candidate, candidate's committee, or ballot issue committee.

This rule is intended to implement Iowa Code section 68A.405.

351—4.39(68A) Specific items exempted from or subject to attribution statement requirement; multiple pages.

4.39(1) *Items exempted from requirement.* The requirement to place a "paid for by" attribution statement does not apply to the following:

a. Editorials or news articles of a media organization that are not paid advertisements.

b. Small items upon which the inclusion of the attribution statement would be impracticable, such as bumper stickers, pins, buttons, pens, pencils, emery boards, matchbooks and, except as set out in subrule 4.39(2), other items that are smaller than 2 inches by 4 inches.

c. T-shirts, caps, and other articles of clothing that expressly advocate for or against a candidate or ballot issue.

d. Radio advertisements, live telephone calls, or autogenerated telephone messages.

e. Published material placed by an individual who acts independently and spends $100 or less of the individual's own resources to expressly advocate the passage or defeat of a ballot issue.

4.39(2) *Items subject to requirement.* The requirement to place a "paid for by" attribution statement applies to published material. The term "published material" means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, website, campaign sign, television, video, or motion picture advertising. "Published material" includes all of the following:

a. Advertising in a newspaper, magazine, shopper, or other periodical. An attribution statement shall be included regardless of the size of the material.

b. Mailings and handouts. Direct mailings, flyers, brochures, postcards, or any other form of published material that is physically distributed and that is larger than 2 inches by 4 inches and not otherwise exempt in this rule shall include an attribution statement.

c. Campaign websites. A blog that is not owned or controlled by a candidate or committee is not required to include an attribution statement disclosing who paid for the costs of the blog, but a political advertisement on a blog is required to include the appropriate attribution statement disclosing who paid for the advertisement.

d. Campaign signs. Campaign signs smaller than 32 square feet on one side shall be exempt from the attribution statement requirement. However, a campaign sign placed on a building or vehicle shall contain the appropriate attribution statement regardless of the size of the sign.

e. Television, video, and motion picture advertising. The attribution statement shall be displayed on the advertisement in a clearly readable manner for at least four seconds.

f. Printed or electronic general public political advertising. For purposes of this rule, "printed or electronic general public political advertising" means a communication that is distributed by a candidate, candidate's committee, PAC, state or county statutory political committee, or a person making an independent expenditure that:

(1) Includes express advocacy,

(2) Is distributed to 100 or more individuals, and

(3) Costs more than $1,000 in the aggregate.

4.39(3) *Multiple pages.* If the published material consists of more than one page, the "paid for by" attribution statement need only appear on one page of the material. For a campaign website, the attribution statement need only appear on the homepage of the site. A notepad need only include the attribution statement on the pad and not on each individual page of the pad.

This rule is intended to implement Iowa Code section 68A.405.

351—4.40(68A,68B) Newspaper or magazine. "Newspaper or magazine" means a regularly scheduled publication of news, articles of opinion, and features available to the general public, including by paid subscription, that does not require membership in or employment by a specific organization.

This rule is intended to implement Iowa Code section 68A.405.

351—4.41(68A,68B) Apparent violations; remedial action.

4.41(1) *Administrative resolution.* In an effort to informally resolve apparent violations of the requirement to place a "paid for by" attribution statement, the board may order administrative resolution of the matter. The board may direct the person responsible for placing the original published political material that did not include the attribution statement to place a correction notice in a local newspaper that reaches the same or substantially the same portion of the public that received the original published political material. A person may also resolve a violation of the "paid for by" attribution statement by resending corrected published political material to the same portion of the public that received the original published political material and by filing a copy of the corrected material with the board.

4.41(2) *Form of correction notice.* The correction notice shall be in substantially the following form: "On (date) (describe the type of published political material) was distributed that did not state who paid for it. The (describe the type of published political material) was paid for by (insert name)."

4.41(3) *Refusal to place correction notice.* The board may initiate a contested case proceeding and impose discipline against any person who refuses to place a correction notice under this rule.

This rule is intended to implement Iowa Code sections 68A.405 and 68B.32A(8).

351—4.42 and **4.43** Reserved.

DIVISION IV
CORPORATE POLITICAL ACTIVITY

351—4.44(68A,68B) Prohibited corporate activity.

4.44(1) The prohibition on corporate political activity does not apply to any of the following:

a. An LLC, LLP, or any other organization that does not file articles of incorporation and is not owned in whole or in part by a corporation.

b. Monetary or in-kind campaign contributions to a ballot issue committee.

c. Independent expenditure communications.

d. A committee using a corporate entity computer to generate and file a campaign disclosure statement or report.

4.44(2) For purposes of this rule, prohibited corporate activity shall include but not be limited to the following:

a. The physical placement of campaign materials on corporate property except as permitted under Iowa Code sections 68A.406 and 68A.503.

b. The use of motor vehicles, telephone equipment, computers, office space, duplicating equipment and supplies, stationery, envelopes, labels, postage, postage meters, or other communication systems of corporate entities.

c. The use of corporate entity facilities, premises, recreational facilities, and housing that are not ordinarily available to the general public.

d. The furnishing of beverages and other refreshments that cost in excess of $50 and that are not ordinarily available to the general public.

e. Contributing money of the corporate entity.

f. Any other transaction conducted between a corporate entity and a candidate, candidate's committee, political committee that expressly advocates for or against candidates, or a political party committee. Such transaction is presumed to be a corporate contribution unless it is sufficiently demonstrated to the board that the transaction should not be considered a prohibited contribution under Iowa Code section 68A.503.

This rule is intended to implement Iowa Code section 68A.503.

351—4.45(68A,68B) Corporate-sponsored political committee. These rules do not prevent a corporate entity from soliciting eligible members to join or contribute to its own corporate-sponsored PAC.

This rule is intended to implement Iowa Code section 68A.503.

351—4.46 Reserved.

351—4.47(68A,68B) Permitted corporate activity—reimbursement required. Notwithstanding subrule 4.44(2), the following are permissible political activities by corporations.

4.47(1) *Purchase or rental of office facility.* A candidate's committee or any other committee that expressly advocates the election or defeat of a candidate may purchase or rent property belonging to a corporate entity, so long as the purchase or rental is at fair market value. For the purpose of this rule, "fair market value" means the amount that a member of the general public would expect to pay to purchase or rent a similar property within the community in which the property is located.

4.47(2) *Use or rental of corporate facilities by other persons.* Persons other than stockholders, administrative officers, or employees of a corporate entity who make any use of corporate facilities, such as using telephones, computers, printers and copy machines, or office furniture, for activity in connection with a candidate election are required to reimburse the corporate entity within a commercially reasonable time in the amount of the normal and usual rental charge. This rule includes the use of corporate equipment to produce and mail published materials.

4.47(3) *Use of airplanes and other means of transportation.*

a. *Air travel.* A candidate, candidate's agent, or person traveling on behalf of a candidate who uses noncommercial air transportation made available by a corporate entity shall, in advance, reimburse the corporate entity as follows:

(1) Where the destination is served by regularly scheduled commercial service, the coach class airfare (without discounts).

(2) Where the destination is not served by a regularly scheduled commercial service, the usual charter rate.

b. *Other transportation.* A candidate, candidate's agent, or person traveling on behalf of a candidate who uses other means of transportation made available by a corporate entity shall, within a commercially reasonable time, reimburse the corporate entity at the normal and usual rental charge.

4.47(4) *Equal access not required.* For the purpose of this rule, it is not necessary that the corporate entity be in the business of selling or renting the property, good, or service to the general public; further, it is not necessary that the corporate entity provide access to the same property, good, or service to other candidates or committees.

4.47(5) *Reimbursement to a corporate entity.* The reimbursement shall be for the actual costs of the corporate resource or be for the same amount charged to a person using the corporate resource for any other purpose. For the purpose of this rule, a rebuttable presumption is established that reimbursement to the corporate entity within ten business days is within a commercially reasonable time.

4.47(6) *Loans and debts.* A financial institution may make a loan to a candidate or candidate's committee so long as the loan is repaid and all proper public disclosure of the transaction is made pursuant to rule 351—4.18(68A,68B). A candidate or candidate's committee may owe a debt to an insurance company, financial institution, or corporation so long as the debt is repaid and all proper public disclosure of the transaction is made pursuant to rule 351—4.16(68A,68B). The repayment of a loan or debt under this rule shall be made prior to the dissolution of the committee pursuant to rule 351—4.54(68A).

This rule is intended to implement Iowa Code section 68A.503.

351—4.48(68A) Sham newspapers subject to campaign laws.

4.48(1) *Media exception inapplicable.* The owner, publisher, or editor of a sham newspaper is not entitled to the exceptions for media organizations provided in Iowa Code chapter 68A.

4.48(2) *Factors.* In determining whether or not a publication is entitled to the press exception, the board will consider the following factors:

a. Whether the publication is published and made available on a regular schedule or interval;

b. The proximity to the election in which the candidates and public affairs are discussed;

c. Whether the publication contains news items and articles of opinion of a general character separate from discussions concerning candidates and public affairs;

d. How widely the publication is circulated or is otherwise made available to the public in comparison to a targeted audience for potential campaign purposes;

e. Whether the publication discusses all candidates for a particular election or otherwise gives all candidates equal space; and

f. Whether the publication expressly advocates for the candidacy of any person.

This rule is intended to implement Iowa Code section 68A.503(5)*"b."*

351—4.49(68A,68B) Individual property. These rules do not apply to the personal or real property of corporate officers or of individuals employed or associated with a corporate entity and shall not abridge the free-speech rights and privileges of individuals.

This rule is intended to implement Iowa Code section 68A.503.

351—4.50 Reserved.

351—4.51(68A) Candidate debate—media organization, debate structure, debate funding, contribution reporting inapplicable.

4.51(1) *Exception to corporate contribution ban.* The prohibition on corporate campaign contributions does not apply to incorporated media organizations that host candidate debates as described in this rule.

4.51(2) *"Media organization" defined.* "Media organization" means a broadcaster, cable television operator, television programmer, television producer, bona fide newspaper, magazine, or any other periodical publication. The media organization shall not be owned or controlled by a political party, political committee, or candidate.

4.51(3) *Debate structure.* The structure of the debate shall be left to the discretion of the media organization provided that at least two or more candidates for the particular office are invited to participate. The debate shall not be structured to promote or advance one candidate over another. In choosing which candidates to invite to a debate, the media organization shall use good faith editorial judgment that is reasonable and viewpoint-neutral.

4.51(4) *Funding debates.* A media organization may use its own funds and may accept funds donated by corporations to defray costs incurred in staging a candidate debate under this rule.

4.51(5) *Contribution reporting inapplicable.* The costs of a debate under this rule are not reportable monetary or in-kind contributions.

This rule is intended to implement Iowa Code sections 68A.402 and 68A.503.

351—4.52(68A,68B) Corporate involvement with political committee funds.

4.52(1) *Corporate payroll deductions.* For purposes of Iowa Code section 68A.503, the administrative functions performed by a corporation (profit or nonprofit corporation, including but not limited to a bank, savings and loan institution, credit union, or insurance company) to make payroll deductions for an employee organization's political committee and to transmit the deductions in lump sum to the treasurer of the political committee shall not be a prohibited corporate activity, so long as the corporate entity is serving only as a conduit for the contributions.

4.52(2) *Electronic transfer of deposits.* A corporation, financial institution, or insurance company may receive and deposit checks that include both dues and PAC contributions. Contributions for the PAC shall be transferred as soon as possible into the PAC checking account and all disclosure, recordkeeping, and record-retention requirements shall be followed.

4.52(3) *Allowable costs of administration.* For the purposes of interpreting Iowa Code section 68A.503(3), the following are considered to be allowable costs of administration:

a. Full or partial compensation for political committee staff, which may include both wages and benefits.

b. Expenses of transportation and travel incurred by political committee staff; however, this does not include expenses of transportation or travel if provided by a political committee or a staff member to a candidate, nor does this include expenses of meals or events held on behalf of a candidate.

c. Printing and office supplies related to routine office administration so long as the printing and supplies are not used to expressly advocate for or against any candidate.

d. Postage and stationery, including that necessary for mailing contributions to specific candidates. Postage and stationery necessary for distributing political material expressly advocating a specific candidate to persons other than committee membership are not permitted.

e. Expenses of maintaining committee records and preparing financial disclosure reports, including costs associated with services provided by an accountant or other professional.

f. Promotional materials, such as stickers, pens, and coffee cups, so long as the items promote the political committee itself, but not a specific candidate.

g. An item which is excluded by this rule from being an allowable cost of administration may still be provided by the committee, so long as that cost is paid for from contributions or other sources of funds other than the parent entity.

This rule is intended to implement Iowa Code section 68A.503.

DIVISION V
INDEPENDENT EXPENDITURES AND IN-KIND CONTRIBUTIONS

351—4.53(68A,68B) In-kind contributions, independent expenditures—definitions. For the purposes of Iowa Code chapter 68A, the following definitions apply.

4.53(1) *In-kind contribution.* "In-kind contribution" means the provision of any good or service to a committee without charge or at a charge that is less than the usual and normal charge for such good or service. If a good or service is provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the good or service at the time of the contribution and the amount charged to the committee. An in-kind contribution also includes any expenditure that meets the definition of a coordinated expenditure in subrule 4.53(2).

4.53(2) *Coordinated expenditure.*

a. "Coordinated expenditure" means an expenditure made with the knowledge and approval of a candidate, candidate's committee, political party committee, or political committee. "Coordinated expenditure" also means that there has been arrangement, coordination, or direction by the candidate, candidate's committee, political party committee, or political committee, or an agent or officer of the candidate's committee or a ballot issue committee prior to the procurement or purchase of the good or service, or the publication, distribution, display, or broadcast of an express advocacy communication.

b. An expenditure will be presumed to be coordinated when it is:

(1) Based on information provided to the expending person by the candidate, the candidate's committee, or the ballot issue committee with a view toward having an expenditure made; or

(2) Made by or through any person who is or has been authorized to raise or expend funds; who is or has been an officer of the candidate's committee or the ballot issue committee; or who is or has been receiving any form of compensation or reimbursement from the candidate, the candidate's committee, or the ballot issue committee.

c. Pursuant to Iowa Code section 68A.404(7), a person making an independent expenditure shall not engage or retain an advertising firm or consultant that has also been engaged or retained within the prior six months by the candidate, candidate's committee, or ballot issue PAC that is benefited by the independent expenditure. "Engage or retain" shall not include the purchase of goods or products from an advertising firm or consultant when the advertising firm or consultant does not provide guidance, assistance, or advice to the person making the purchase concerning the good or product.

This rule is intended to implement Iowa Code section 68A.404.

DIVISION VI
COMMITTEE DISSOLUTION

351—4.54(68A) Committee dissolution; disposition of property; resolution of loans or debts.

4.54(1) *Conditions to dissolve.* A committee shall not dissolve until all loans and debts are paid, forgiven, or transferred, and the remaining funds in the committee's campaign account are distributed according to Iowa Code sections 68A.302 and 68A.303 and rule 351—4.25(68A,68B).

4.54(2) *Manner of disposition—candidates' committees.* In the case of a candidate's committee, all campaign property with a residual value of $100 or more shall be disposed of through a sale of the property at fair market value, with proceeds treated as any other campaign funds, or through donation of the property as set out in Iowa Code section 68A.303(1). The candidate's committee shall disclose on the committee's campaign report the manner of disposition.

4.54(3) *Resolution of loans and debts.* The loans and debts of a committee may be transferred, assumed, or forgiven except that a loan or debt owed to a financial institution, insurance company, or corporation may not be forgiven unless the committee is a ballot issue committee. The committee shall disclose on the committee's campaign report the transfer, assumption, or forgiveness of a loan or debt on the appropriate reporting schedules.

4.54(4) *Settlement of disputed loans and debts.* A dispute concerning a loan or debt may be resolved for less than the original amount if the committee discloses on the committee's campaign report the resolution of the dispute. If the dispute is between a candidate's committee and a financial institution, insurance company, or corporation, the candidate's committee shall submit a written statement to the board describing the loan or debt, the controversy, and the steps taken to settle or collect the loan or debt. The board will review the statement and determine whether to permit the candidate's committee to report the loan or debt as discharged.

4.54(5) *Unavailable creditor.* If the committee cannot locate a person to whom it owes a loan or debt, the committee shall provide the board with a written statement describing the steps the committee has taken to locate the creditor and request direction from the board as to what additional steps, if any, should be taken. If a candidate's committee owes a loan or debt to a financial institution, insurance company, or corporation, resolution of the matter shall include payment to a charitable organization or the general fund of the state of Iowa.

This rule is intended to implement Iowa Code section 68A.402B.

351—4.55(68A) Statement of dissolution; final report; final bank statement.

4.55(1) *Statement of dissolution.* A statement of dissolution (Form DR-3) shall be filed after the committee terminates its activity, disposes of its funds and assets, and has discharged all of its loans and debts.

4.55(2) *Time of filing.* A committee seeking to dissolve shall file a statement of dissolution within 30 days of terminating activity, disposing of funds and assets, and discharging all loans and debts. A statement must be submitted at or before 11:59 p.m. on the required due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the due date is extended to the next working day.

4.55(3) *Final report.* The committee shall file a final report disclosing the committee's closing transactions. Once the board staff reviews the report and determines that the committee has complied with all of the requirements of Iowa Code chapter 68A, the committee is no longer required to file campaign reports. The committee shall be required to resolve all inconsistencies with Iowa Code chapter 68A before dissolving.

4.55(4) *Final bank statement.* A copy of the committee's final bank statement showing the committee's closing transactions and a zero balance shall be attached to or submitted with the committee's final report. A committee participating in an election at the county, city, school, or other political subdivision level, an independent expenditure committee, or a sole individual making an independent expenditure is not required to file a final bank statement unless requested to do so by the board. A committee seeking a waiver from the requirements of this rule may do so in accordance with Iowa Code section 17A.9A.

This rule is intended to implement Iowa Code section 68A.402B.

351—4.56 to **4.58** Reserved.

DIVISION VII
CIVIL PENALTIES FOR LATE REPORTS

351—4.59(68B) Routine civil penalty assessment for late-filed disclosure reports.

4.59(1) *Administrative resolution.* In administrative resolution of violations for late-filed disclosure reports, the board shall assess and collect monetary penalties. The board shall notify any person assessed a penalty of the amount of the assessment and the person's ability to request a waiver under rule 351—4.60(68B). A person shall not be assessed a civil penalty if the board's electronic filing system is not properly functioning and causes the person to be unable to timely file the report.

4.59(2) *County and local committee assessments.* County, county statutory, city, school, other political subdivision, and local ballot issue committees shall be assessed civil penalties for late-filed reports in accordance with the following schedule:

Date report received	First-time delinquency	Repeat delinquency by same committee in 12-month period
1 to 14 consecutive days delinquent	$20	$100
15 to 30 consecutive days delinquent	$50	$200
31 to 45 consecutive days delinquent	$100	$400

4.59(3) *State committee assessments.* Statewide, general assembly, state statutory, and state political committees and a judge standing for retention shall be assessed civil penalties for late-filed reports, except for supplementary and special election reports, in accordance with the following schedule:

Date report received	First-time delinquency	Repeat delinquency by same committee in 12-month period
1 to 14 consecutive days delinquent	$50	$200
15 to 30 consecutive days delinquent	$100	$400
31 to 45 consecutive days delinquent	$200	$600

4.59(4) *Supplementary report assessments.* General assembly candidates' committees required to file supplementary disclosure reports shall be assessed a $200 civil penalty for filing a supplementary report late. Statewide committees required to file supplementary disclosure reports shall be assessed a $400 civil penalty for filing a supplementary report late.

4.59(5) *Special election assessments.* The committees of general assembly candidates to fill vacancies in special elections shall be assessed a $100 civil penalty for filing a special election report late. The committees of statewide candidates to fill vacancies in special elections shall be assessed a $200 civil penalty for filing a special election report late.

4.59(6) *Verified statement of registration assessments.* An out-of-state committee that chooses to file a VSR, but fails to do so on or before the fifteenth day after the date of the contribution, shall be assessed a $25 civil penalty per late-filed VSR. However, if there is a repeat delinquency by the committee in a 12-month period, the penalty shall be $50. For purposes of this rule, "date of the contribution" means the day, month, and year the contribution check is dated.

4.59(7) *Independent expenditure assessment.* An individual who is delinquent in timely filing Form IE-I shall be assessed a $25 civil penalty. If there is a repeat delinquency by the individual in timely filing Form IE-I within a 12-month period, the penalty shall be $50. A person that is designated by the board as an independent expenditure committee that fails to timely file Form IE-O shall be assessed a $50 civil penalty. If there is a repeat delinquency by the person in timely filing Form IE-O within a 12-month period, the penalty shall be $100.

4.59(8) *Form DR-OTC assessment.* A permanent organization that has not previously made a contribution in excess of $1,000 and that fails to file Form DR-OTC within ten days of notice to do so by the board shall be assessed a $20 civil penalty. A permanent organization that has previously made a contribution in excess of $1,000 and that fails to file Form DR-OTC within ten days of the date on which the contribution check is issued shall be assessed a $20 civil penalty.

4.59(9) *Additional sanctions.* The issuance of a civil penalty under this rule does not prohibit the board from imposing additional sanctions pursuant to the process set out in Iowa Code chapter 68B and rule 351—9.3(68B) if the board determines that there was evidence of an intentional failure to timely file the report.

This rule is intended to implement Iowa Code section 68B.32A(8).

351—4.60(68B) Requests for waiver of penalties. If a person believes that there are mitigating circumstances that prevented the timely filing of a report, the person may petition to the board for waiver of the penalty. A person seeking a waiver must submit the request to the board within 30 days of receiving a civil penalty assessment order. The board will review the petition and may waive the penalty or deny the request. If a waiver is granted, the board will determine how much of the penalty is waived based on the circumstances.

This rule is intended to implement Iowa Code section 68B.32A(8).

351—4.61(68B) Contested case challenge.

4.61(1) *Request.* If the person accepts administrative resolution of a matter through the payment of an assessed penalty, the matter shall be closed. If the person chooses to contest the board's decision to deny the request or grant a partial waiver of an assessed penalty, the person shall make a written request for a contested case proceeding within 30 days of being notified of the board's decision.

4.61(2) *Procedure.* Upon timely receipt of a request for a contested case proceeding, the board shall provide for the issuance of a statement of charges and notice of hearing. The burden shall be on the board's legal counsel to prove that a violation occurred.

4.61(3) *Failure to request hearing.* Failure to request a contested case proceeding to appeal the board's decision on a waiver request is failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A and section 68B.33.

This rule is intended to implement Iowa Code section 68B.32A(8).

351—4.62(68B) Payment of penalty.

4.62(1) *Where payment made.* Checks shall be made payable to "State of Iowa" and sent to the board's office for transfer to the office of the treasurer of state, which shall deposit the check into the general fund.

4.62(2) *Who may make payment.* Payment may be made from funds of a committee or from personal funds of an officer or candidate of a committee.

This rule is intended to implement Iowa Code section 68B.32A(8).

351—4.63(68A,68B) Electronic filings.

4.63(1) *Reports filed electronically.* For purposes of the board's jurisdiction, all reports will be filed electronically using the designated electronic filing system.

4.63(2) *Accommodations.* Those who require assistance completing their electronic filings may contact the board's office.

This rule is intended to implement Iowa Code section 68B.32A.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0236D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to use of public resources for a political purpose

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 5, "Use of Public Resources for a Political Purpose," 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 section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board is rescinding Chapter 5 and adopting a new chapter in lieu thereof. Chapter 5 establishes permissible and impermissible uses of public resources for political purposes.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0095D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 351—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
USE OF PUBLIC RESOURCES FOR A POLITICAL PURPOSE

351—5.1(68A) Scope of chapter. This chapter outlines the permissible and impermissible uses of public resources for a political purpose pursuant to Iowa Code section 68A.505 and board interpretations of the statute. For the purposes of this chapter, the board will construe the phrase "expenditure of public moneys for political purposes" broadly to include the use of public resources generally.

This rule is intended to implement Iowa Code section 68A.505.

351—5.2(68A) General prohibition and applicability. The public officials and employees of the executive branch of state government, a county, a city, a public school, or other political subdivision shall not permit public resources to be used to expressly advocate the nomination, election, or defeat of a candidate or to expressly advocate the passage or defeat of a ballot issue. This chapter applies to the use of resources that belong to those political subdivisions by state and local campaigns in Iowa. This chapter does not apply to property belonging to the federal government or to the use of the executive branch of state government, a county, a city, a public school, or other political subdivision by a federal campaign.

This rule is intended to implement Iowa Code section 68A.505.

351—5.3(68A) Definitions. For purposes of this chapter, the following definitions apply:

"Ballot issue" means a question that has been approved to be placed before the voters or is otherwise required by law to be placed before the voters. "Ballot issue" does not include the nomination or election of a candidate.

"Campaign" means the organized effort to expressly advocate the nomination, election, or defeat of a candidate for state or local office in Iowa. "Campaign" also means the organized effort to expressly advocate the passage or defeat of a ballot issue.

"Candidate" means any individual who has taken affirmative action to seek nomination or election to a state or local office in Iowa.

"Expressly advocate" means "express advocacy" as defined in Iowa Code section 68A.102(14). "Express advocacy" includes a communication that uses any word, term, phrase, or symbol that exhorts an individual to vote for or against a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue.

"Political purpose" means to expressly advocate the nomination, election, or defeat of a candidate or to expressly advocate the passage or defeat of a ballot issue.

"Public resources" means the moneys, time, property, facilities, equipment, and supplies of the executive branch of state government, a county, city, public school, or other political subdivision.

"Public school" includes a school designated as a charter school.

This rule is intended to implement Iowa Code sections 68A.102 and 68A.505.

351—5.4(68A) Use of public resources for a political purpose prohibited. The following specific conduct or actions are deemed to be the prohibited use of public resources for a political purpose:

5.4(1) Using public resources to solicit or accept campaign contributions.

5.4(2) Using public resources to solicit votes, engage in campaign work, or poll voters on their preferences for candidates or ballot issues. The prohibition on polling voters by using public resources does not apply to authorized research at a public university.

5.4(3) Using a publicly owned motor vehicle to transport political materials, placing campaign signs on a publicly owned motor vehicle, or traveling to campaign-related events in a publicly owned motor vehicle.

5.4(4) Using public resources to produce and distribute communications that expressly advocate for or against candidates or ballot issues.

5.4(5) Placing campaign materials on public property, including the placement of campaign signs in the public right-of-way.

This rule is intended to implement Iowa Code section 68A.505.

351—5.5(68A) Exceptions from prohibition on use of public resources for a political purpose.

5.5(1) *Expressing opinion at government meetings.* Iowa Code section 68A.505 permits the state or a governing body of a county, city, public school, or other political subdivision to express an opinion on a ballot issue through the passage of a resolution or proclamation. It is also permissible for a member of a governing body of the state, county, city, public school, or other political subdivision to express the member's opinion on a ballot issue at a public meeting of the governing body.

5.5(2) *Public forum.* Any public resource that is open to a member of the general public to use for other purposes may be used for political purposes, including the distribution of political materials on windshields of vehicles that are parked in public parking lots.

5.5(3) *Candidate debate.* The executive branch of state government, a county, city, public school, or other political subdivision may hold a candidate debate or forum and permit the accompanying distribution of campaign materials on governmental property so long as at least two candidates seeking the same office are invited to attend the debate or forum.

5.5(4) *Reimbursement to governmental body.* A person may reimburse a governmental body for the use of a public resource for a political purpose so long as it can be demonstrated to the board that the use of the resource was also for a public purpose or furthered a public interest. The reimbursement shall be for the actual costs of the public resource or be for the same amount charged to a person using the public resource for any other purpose.

5.5(5) *Use of job title.* Official job titles, such as "representative" or "commissioner," may be used for political purposes.

5.5(6) *Use of government-issued clothing.* Official clothing or uniforms issued by the state or other political subdivision in the regular course of employment may be worn by public officials or employees while participating in political activities.

5.5(7) *Residence.* It is not deemed a violation of Iowa Code section 68A.505 for a public official or public employee to use for political purposes the portion of public property that is designated as the personal residence of the public official or public employee.

5.5(8) *Clothing or paraphernalia.* While performing official duties, a public official or public employee may wear clothes or wear political paraphernalia that expressly advocate for or against candidates or that expressly advocate for or against ballot issues. However, the administrative head of a state agency or of a department of a political subdivision may enact an internal policy that would prohibit the wearing of campaign materials on the public property of that agency or subdivision.

This rule is intended to implement Iowa Code section 68A.505.

351—5.6(68B) Board advice.

5.6(1) *Advice requested.* Public officials, public employees, or other persons interested in using public funds for a political purpose may first seek advice or guidance from the board concerning the legality of the action or conduct, including the production and distribution of a communication for a determination of whether the communication contains express advocacy.

5.6(2) *Declaratory order.* Persons may also seek board guidance concerning the application of a statute or rule to a specific factual situation through the petition for declaratory order procedure set out in Iowa Code section 17A.9.

This rule is intended to implement Iowa Code section 68B.32A(12).

351—5.7(68B) Complaints. Any person may file a complaint or provide information to the board alleging a violation of Iowa Code section 68A.505 or the rules of this chapter by a public official or a public employee of the executive branch or a political subdivision of state government. The procedure for filing a complaint or providing information to the board is set out in Iowa Code section 68B.32B and 351—Chapter 9. The board may prescribe the manner for filing formal complaints, including the use of specific forms.

This rule is intended to implement Iowa Code section 68B.32B.

351—5.8(68A) Holders of certain government positions prohibited from engaging in political activities. Several statutes outside of the board's jurisdiction prohibit the holders of certain government positions from being engaged in political activities. The board does not enforce these statutory prohibitions.

This rule is intended to implement Iowa Code section 68A.505.

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ARC 0237D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to executive branch ethics

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 6, "Executive Branch Ethics," Iowa Administrative Code, and adopts a new Chapter 6 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board is rescinding Chapter 6 and adopting a new chapter in lieu thereof. Chapter 6 establishes permissible and impermissible Executive Branch conduct-related ethics.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0094D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 351—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
EXECUTIVE BRANCH ETHICS

DIVISION I
GENERAL PROVISIONS

351—6.1(68B) Scope of chapter. Pursuant to Iowa Code section 68B.32A(13), this chapter establishes rules relating to ethical conduct for the executive branch of state government and other political subdivisions.

This rule is intended to implement Iowa Code sections 68B.32(1) and 68B.32A(13).

351—6.2(68B) Definitions. For purposes of this chapter, the following definitions apply:

"Agency of state government" or *"state agency"* includes any authority, board, bureau, commission, community college, department, division, office of a statewide elected official, or regents university within the executive branch of the state of Iowa.

"Candidate for statewide office" means a candidate for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general.

"Employee" means an individual who is a paid employee of any agency of state government. "Employee" includes an individual employed in an interim or acting capacity. "Employee" does not include an official or an independent contractor.

"Official" means a statewide elected official, an executive or administrative head or heads of a state agency, a deputy executive or administrative head or heads of a state agency, a member of a board or commission as defined under Iowa Code section 7E.4, or a head of a major subunit of a state agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds. "Official" includes an individual serving in an interim or acting capacity.

"State duties" includes the official duties, responsibilities, or activities of an official or employee that are mandated by law, rule, or court order or that otherwise lawfully aid an agency of state government in carrying out the statutory functions of the agency.

This rule is intended to implement Iowa Code section 68B.2.

351—6.3(68B) Complaints or filing information alleging a violation.

6.3(1) *Who may file.* Any person may file a complaint or provide information to the board alleging a violation of Iowa Code chapter 68B or this chapter by officials, employees, and candidates for statewide office.

6.3(2) *Procedure.* The procedure for filing a complaint or providing information to the board alleging a violation of Iowa Code chapter 68B or this chapter is set out in Iowa Code section 68B.32B and 351—Chapter 9.

6.3(3) *Whistleblower protection.* A person who discharges or discriminates against an official or employee because the official or employee filed a complaint or provided information to the board will be subject to the board's complaint process if the official or employee filed the complaint or provided the information in good faith. If it is determined after a contested case proceeding that a person has impermissibly discharged or discriminated against an official or employee, the board may impose sanctions as set out in Iowa Code section 68B.32D. For purposes of this rule, "good faith" means that any statements or materials in a complaint or included as part of information provided to the board were made or provided with a reasonable belief that such statements or materials were true and accurate.

This rule is intended to implement Iowa Code sections 68B.32A(14) and 68B.32B.

351—6.4(68B) Board advice.

6.4(1) *Advice requested.* Persons subject to the authority of the board under Iowa Code chapter 68B may first seek advice or guidance from the board concerning the legality of action or conduct potentially affected by Iowa Code chapter 68B.

6.4(2) *Declaratory order.* Persons may also seek board guidance concerning the application of a statute or rule under the board's jurisdiction to a specific factual situation through the petition for declaratory order.

This rule is intended to implement Iowa Code section 68B.32A(12).

DIVISION II
CONFLICT OF INTEREST AND MISUSE OF PROPERTY

351—6.5(68B) Dual executive branch compensation prohibited.

6.5(1) *Definitions.* For purposes of Iowa Code section 68B.2B and this rule, the following definitions apply:

"Employment with a second executive branch agency" includes services provided as an independent contractor with another executive branch agency.

"Executive branch agency" means "agency of state government" or "state agency" as defined in Iowa Code section 68B.2(2). However, the legislative branch is not considered an agency of state government or state agency for purposes of Iowa Code section 68B.2B or this rule.

6.5(2) *Exceptions.* The prohibition on receiving simultaneous compensation from more than one executive branch agency does not apply to the following:

a. Employment with any governmental entity other than simultaneous employment with two or more executive branch agencies.

b. Service in the Iowa national guard.

c. An official or employee who is interchanged from one executive branch agency to another executive branch agency pursuant to Iowa Code chapter 28D unless the official or employee is simultaneously receiving compensation from both the receiving agency and the sending agency.

d. Serving on the board, commission, or authority of two or more executive branch agencies.

6.5(3) *Reporting form.* An official or employee of the executive branch who accepts simultaneous employment with another executive branch agency will file Form Dual-Comp within 20 business days of accepting employment with the second executive branch agency. The form will be filed with the board. The failure to timely file Form Dual-Comp may subject the executive branch official or employee to board sanctions.

This rule is intended to implement Iowa Code section 68B.2B.

351—6.6(68B) Misuse of public property.

6.6(1) *Definition of public property.* "Public property" means any real or personal property owned or controlled by the state of Iowa, including but not limited to buildings, facilities, equipment, supplies, funds, records, files, and materials.

6.6(2) *Prohibited uses.* The following are deemed to be the misuse of public property by an official, employee, or candidate for statewide office:

a. Using public property to engage in an outside employment or activity that leads to an unacceptable conflict of interest.

b. Using public property for personal financial gain. This prohibition does not apply to the receipt of lawful compensation for the performance of official state duties.

c. Using public property for a personal benefit to the detriment of the state.

d. Using public property to engage in political activities.

This rule is intended to implement Iowa Code section 68B.32A(13).

DIVISION III
SALES OR LEASES OF GOODS, REAL ESTATE, OR SERVICES

351—6.7(68B) Prohibition on sales; when public bids required—disclosure of income.

6.7(1) *Prohibition.* An official or employee will not sell, in any one occurrence, goods or services having a value in excess of $2,000 to a state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding and the official or employee making the sale files Form Public Bid with the board within 20 days of making the sale. This prohibition includes sales to the state agency in which the official or employee serves or is employed.

6.7(2) *Exceptions.* The prohibition in Iowa Code section 68B.3 and this rule will not apply to any of the following:

a. Sales of goods or services done as part of the official's or employee's state duties.

b. Sales of goods or services by a member of a board or commission to state executive branch agencies or subunits of departments or independent agencies that are not the subunit of the department or independent agency in which the person serves or are not a subunit of a department or independent agency with which the person has substantial and regular contact as part of the person's duties. "Board" and "commission" as used in this rule mean the same as defined in Iowa Code section 7E.4.

c. The publication of resolutions, advertisements, or other legal propositions or notices in newspapers designated by law for the publication of such materials and for which publication rates are fixed by law.

d. Instruction at an accredited educational institution if the official or employee meets the minimum education and licensing requirements established for other instructors at the educational institution.

e. A contract for professional services that is exempt from competitive bidding requirements under any provision in the Iowa Code or Iowa Administrative Code.

6.7(3) *Sales to political subdivisions.* An official who sells goods or services to a political subdivision of the state will disclose on the official's Form PFD as provided in 351—Chapter 7 if income was received from the sale.

6.7(4) *Filing of report.* An official or employee making a sale to a state agency pursuant to Iowa Code section 68B.3 will file Form Public Bid within 20 days of making the sale. The failure to timely file Form Public Bid with the board within 20 days of making the sale may subject the official or employee to board sanctions under Iowa Code chapter 68B and rule 351—9.3(68B).

6.7(5) *Use of confidential information.* No official or employee will disclose or use confidential information, including the contents of a sealed bid acquired during the course of the official's or employee's state duties, for the personal gain or benefit of any person. This rule does not apply to the release of information that is mandated by law, rule, or court order.

This rule is intended to implement Iowa Code sections 68B.32A(13) and 68B.3.

351—6.8(68B) Sales or leases by regulatory agency officials or employees.

6.8(1) *Prohibition.* An official or employee of a regulatory agency will not directly or indirectly sell or lease any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the official's or employee's agency except as provided by Iowa Code section 68B.4 and this rule. This prohibition does not apply to sales or leases that are part of the official's or employee's state duties.

6.8(2) *Definitions.* For purposes of this rule, the following definitions apply:

"Agency" means a regulatory agency.

"Employee" means an employee of an executive branch regulatory agency and does not include an independent contractor or an official.

"Official" means a statewide elected official of a regulatory agency, an executive or administrative head or heads of a regulatory agency, a deputy executive or administrative head or heads of a regulatory agency, a member of a board or commission as defined under Iowa Code section 7E.4, or a head of a major subunit of a regulatory agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds.

"Regulatory agency" means the department of agriculture and land stewardship; department of workforce development; department of insurance and financial services; department of public safety; department of education; state board of regents; department of health and human services; department of revenue; department of inspections, appeals, and licensing; department of administrative services; public employment relations board; department of transportation; civil rights commission; department of public defense; department of homeland security and emergency management; Iowa ethics and campaign disclosure board; utilities commission; and department of natural resources.

6.8(3) *Request for consent.* An official's or employee's request for an agency's consent to the sale or lease of goods, real estate, or services will comply with all of the following:

a. The request will be in writing and will be filed with the official's or employee's agency at least 20 calendar days in advance of the proposed sale or lease of any goods, real estate, or services.

b. The request will include all of the following:

(1) The name of the individual, association, or corporation to which the goods, real estate, or services are to be sold or leased;

(2) The relationship of the individual, association, or corporation to the agency;

(3) A description of the goods, real estate, or services;

(4) The date or dates that the goods, real estate, or services will be delivered; and

(5) A statement by the official or employee explaining how the proposed sale or lease of the goods, real estate, or services will not violate the provisions of Iowa Code section 68B.4 or create a conflict of interest under Iowa Code section 68B.2A.

6.8(4) *Agency guidelines.* Iowa Code section 68B.4 and the guidelines in this subrule will be the sole legal authorities to be used by an agency in considering the granting of consent. In determining whether to grant consent, the agency will take the following guidelines into consideration:

a. The official or employee seeking consent is not the person with the authority to determine whether consent should be granted.

b. The duties and functions performed by the official or employee seeking consent are not related to the regulatory authority of the agency over the individual, association, or corporation to which the goods, real estate, or services will be sold or leased.

c. The selling or leasing of the goods, real estate, or services does not affect the official's or employee's duties or functions at the agency.

d. The selling or leasing of the goods, real estate, or services will not cause the official or employee to advocate on behalf of the individual, association, or corporation to the agency.

e. The selling or leasing of the goods, real estate, or services does not cause the official or employee to sell or lease goods, real estate, or services to the agency on behalf of the individual, association, or corporation.

f. The selling or leasing of the goods, real estate, or services will not result in a conflict of interest as provided in Iowa Code section 68B.2A.

g. The request complies with the procedural requirements of subrule 6.8(3).

h. A regulatory agency may grant blanket consent for sales or leases to classes of individuals, associations, or persons when such blanket consent is consistent with subrule 6.8(4) and the granting of single consents is impractical or impossible to determine.

These guidelines will be publicized and made known to all personnel throughout the agency.

6.8(5) *Agency decision.* The official's or employee's agency will issue a written consent or denial within 14 calendar days following the date the request was filed. The deadline may be extended by agreement of both the official or employee and the agency. If the request is denied or granted conditionally, the agency will state the reasons for the denial or conditional consent.

6.8(6) *Appeal of denial.* An official or employee who receives a denial or conditional consent may file a request with the board for a contested case proceeding pursuant to Iowa Code chapter 17A for a determination of whether the situation described in the request complies with the requirements of Iowa Code section 68B.2A or 68B.4 and this rule. The final order of the board constitutes final agency action for purposes of seeking judicial review.

6.8(7) *Copy of consent filed with board.* Pursuant to Iowa Code section 68B.4, an agency granting consent will file a copy of the consent with the board within 20 days of the granting of consent. The board will treat the consent as a public record. The failure to provide a copy of the consent may result in the imposition of board sanctions against the individual who granted the consent.

6.8(8) *Consent not a defense.* Consent granted by an agency under this rule will not constitute a defense to a complaint alleging a violation of any law or rule. It is the responsibility of the official or employee to ensure compliance with all applicable laws and rules.

This rule is intended to implement Iowa Code section 68B.4.

351—6.9(68B) Sales or leases by members of the office of the governor.

6.9(1) *Prohibition.* A permanent full-time member of the office of the governor will not directly or indirectly sell or lease any goods or services to registered lobbyists before the general assembly or the executive branch or to individuals, associations, or corporations that employ persons who are registered lobbyists before the general assembly or the executive branch except as provided in Iowa Code section 68B.4B and this rule. This prohibition does not apply to sales or leases that are part of the member's state duties.

6.9(2) *Request for consent.* A request submitted by a member of the office of the governor for consent to sell or lease goods or services will comply with all of the following:

a. The request will be in writing and will be filed at least 20 calendar days in advance of the proposed sale or lease of any goods or services with the person responsible for hiring or approving the hiring of the member.

b. The request will include all of the following:

(1) The name of the lobbyist, individual, association, or corporation to which the goods or services are to be sold or leased;

(2) The relationship of the lobbyist, individual, association, or corporation to the office of the governor;

(3) A description of the goods or services;

(4) The date or dates that the goods or services will be delivered; and

(5) A statement by the member explaining how the proposed sale or lease of the goods or services will not violate the provisions of Iowa Code section 68B.4B or create a conflict of interest under Iowa Code section 68B.2A.

6.9(3) *Guidelines for granting consent.* In determining whether to grant consent, the person responsible for hiring or approving the hiring of the member will take the following guidelines into consideration:

a. The duties and functions performed by the member are not related to the authority of the office of the governor over the lobbyist, individual, association, or corporation.

b. The selling or leasing of goods or services by the member to the lobbyist, individual, association, or corporation does not affect the member's duties or functions at the office of the governor.

c. The selling or leasing of any goods or services by the member to a lobbyist, individual, association, or corporation does not include lobbying the office of the governor.

d. The selling or leasing of any goods or services by the member does not cause the member to sell or lease goods or services to the office of the governor on behalf of the lobbyist, individual, association, or corporation.

e. The selling or leasing of the goods or services will not result in a conflict of interest as provided in Iowa Code section 68B.2A.

f. The request complies with the procedural requirements of subrule 6.9(2).

g. A blanket consent may be granted for sales or leases to classes of lobbyists, individuals, associations, or corporations when such blanket consent is consistent with subrule 6.9(3) and the granting of single consents is impractical or impossible to determine.

These guidelines will be publicized and made known to members of the office of the governor.

6.9(4) *Decision.* The person responsible for hiring or approving the hiring of the member will issue a written consent or denial within 14 calendar days following the date the request was filed. The deadline may be extended by agreement of both the member and the person. If the request is denied, the person will state the reasons for the denial.

6.9(5) *Appeal of denial.* A member who receives a denial may file a request with the board for a contested case proceeding pursuant to Iowa Code chapter 17A for a determination of whether the situation described in the request complies with the requirements of Iowa Code chapter 68B. The final order of the board constitutes final agency action for purposes of seeking judicial review.

6.9(6) *Copy of consent filed with board.* A copy of the consent granted to a member will be filed with the board within 20 days of the granting of consent. The board will treat the consent as a public record. The failure to provide a copy of the consent may result in the imposition of board sanctions against the person who granted the consent.

6.9(7) *Consent not a defense.* Consent granted under this rule will not constitute a defense to a complaint alleging a violation of any law or rule. It is the responsibility of the member of the office of the governor to ensure compliance with all applicable laws and rules.

This rule is intended to implement Iowa Code section 68B.4B.

DIVISION IV
EMPLOYMENT RESTRICTIONS

351—6.10(68B) Engaging in services against the interest of the state.

6.10(1) *Public officials and employees.* Except for a member of a board or commission, no official or employee will receive compensation in any form, or enter into any type of agreement to receive compensation in any form, to appear on behalf of any person or otherwise render services against the interest of the state except as set out in Iowa Code section 68B.6 and this rule. This prohibition relates to any case, proceeding, application, or other matter before any federal court, federal bureau, federal agency, federal commission, federal department, any agency of state government, or any court of the state of Iowa.

6.10(2) *Definitions.* For purposes of this rule, the following definitions apply:

"Board" means a policymaking body that has the power to hear contested cases or a policymaking body that has powers for both rulemaking and hearing contested cases.

"Commission" means a policymaking body that has rulemaking powers.

6.10(3) *Member of board or commission.* No member of a board or commission will receive compensation in any form, or enter into any type of agreement to receive compensation in any form, to appear on behalf of any person or otherwise render services against the interest of the state in relation to any case, proceeding, application, or other matter before the subunit of a state agency in which the member serves or is employed, or with which the member has substantial and regular contact as part of the member's state duties.

6.10(4) *Exception for attorney general and public defender.* Officials and employees carrying out the official duties of the office of the attorney general or the office of the state public defender are not subject to the provisions of Iowa Code section 68B.6 or this rule.

This rule is intended to implement Iowa Code section 68B.6.

DIVISION V
GIFTS AND OFFERS

351—6.11(68B) Prohibition on receipt of an honorarium.

6.11(1) *Definitions.* For purposes of this rule, the following definitions apply:

"Honorarium" means a payment of compensation or the giving of anything of value to an official or employee in relation to a speaking engagement.

"Restricted donor" means the same as defined in Iowa Code section 68B.2(24).

6.11(2) *Exceptions.* An official or employee may receive and accept an honorarium provided that the honorarium consists of:

a. Payment of actual expenses for registration, food, beverages, travel, or lodging paid in return for participation on a panel or for a speaking engagement at a meeting. The expenses will relate directly to the day or days on which the official or employee has participation or speaking responsibilities.

b. Receipt of a nonmonetary item or a series of nonmonetary items that the official or employee donates within 30 days of receipt to any of the following:

(1) A public body;

(2) A bona fide educational or charitable organization; or

(3) The department of administrative services. Items donated to the department of administrative services will be disposed of by assignment to state agencies for official use or by public sale.

c. Payment to an official or employee for services rendered as part of a bona fide private business, trade, or profession in which the official or employee is engaged so long as both of the following conditions are met:

(1) The payment is commensurate with the actual services rendered; and

(2) The payment is being made due to a special expertise or other qualification the recipient possesses separate from the recipient's status as a public official or public employee.

6.11(3) *Solicitation prohibited.* An official or employee will not solicit, demand, or otherwise request an honorarium from a restricted donor.

This rule is intended to implement Iowa Code sections 68B.23 and 68B.32A(13).

351—6.12(68B) Loans from executive branch lobbyists prohibited.

6.12(1) *Definitions.* For purposes of this rule, the following definitions apply:

"Executive branch lobbyist" means an individual who is registered as a lobbyist with the board or is an executive branch lobbyist as defined in rule 351—8.2(68B).

"Loan" means a sum of money upon agreement, express or implied, to be repaid with or without interest.

6.12(2) *Offer of loan prohibited.* An executive branch lobbyist will not directly or indirectly offer or make a loan to an official, an employee, or a candidate for statewide office.

6.12(3) *Exceptions.* The prohibitions in Iowa Code section 68B.24 and this rule do not apply to a loan made in either of the following circumstances:

a. A loan made in the ordinary course of business. "Ordinary course of business" means the loan is made by a person regularly engaged in a business that makes loans to members of the public, and the finance charges and other terms of the loan are the same as or substantially similar to the finance charges and loan terms that are available to members of the public.

b. A loan made to the campaign committee of a candidate for statewide office that is subject to the campaign laws in Iowa Code chapter 68A.

This rule is intended to implement Iowa Code sections 68B.24 and 68B.32A(13).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0238D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to personal financial disclosure

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 7, "Personal Financial Disclosure," 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 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board is rescinding Chapter 7 and adopting a new chapter in lieu thereof. Chapter 7 establishes procedures for personal financial disclosure within the Executive Branch.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0093D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 351—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
PERSONAL FINANCIAL DISCLOSURE

351—7.1(68B) Filing requirements and procedures.

7.1(1) *Period covered.* All persons who are required to file a personal financial disclosure will file the statement with the board no later than April 30 of each year following a year during which the person holds a designated position, without regard to the length of time the position was occupied by the person. A person who held a designated position who left that position or state employment will have a continuing obligation to file the statement for any year or portion of a year in which the position was held prior to termination.

7.1(2) *Place and timing of filing.* A personal financial disclosure will be filed with the board electronically no later than 11:59 p.m. on the due date. If the due date falls on a weekend or holiday, the deadline will be extended to the next day the board's office is open.

7.1(3) *Persons holding more than one designated position.* A person who is required to file a personal financial disclosure for more than one position will be required to file only one statement for the reporting year. A member of the general assembly who files a form with the secretary of the senate or the chief clerk of the house will not be required to file the form with the board for any designated position held in the executive branch.

7.1(4) *Period covered.* Information will be filed on a personal financial disclosure as designated by the board and will cover the previous calendar year. However, a statement filed by a person who has left a designated position during the course of a year need only contain information covering the portion of that year that has elapsed prior to the person's leaving the position.

This rule is intended to implement Iowa Code sections 68B.32A(5), 68B.35 and 68B.35A.

351—7.2(68B) Information disclosed on form.

7.2(1) *Definitions.* For the purpose of completing a personal financial disclosure, "income sources" includes those sources that are held solely or jointly with one or more persons and that in total generate more than $1,000 of income.

7.2(2) *Spousal income.* For purposes of completing a personal financial disclosure, income earned solely by the spouse of a person subject to reporting is not income to that person and need not be reported as an income source.

This rule is intended to implement Iowa Code section 68B.35.

351—7.3(68B) Procedure for determining persons required to file with the board—distribution of forms.

7.3(1) *Persons required by statute.* In order to determine which persons in the executive branch are required to file a personal financial disclosure, the board will contact each agency on an annual basis and provide notification of the statutory requirement. This notification will include the name and position title of each person in the agency who filed the previous year. Each agency, in consultation with the board, will then determine which persons are required to file for the next filing period and will provide the board with the appropriate names and position titles. The board will have the final authority to determine whether a position requires that a personal financial disclosure be filed.

7.3(2) *Boards, commissions, or authorities not named in statute.* On an annual basis, the board will conduct a review to determine if a member of any other board, commission, or authority not specifically named in the Iowa Code should file a personal financial disclosure. If the board determines that a personal financial disclosure should be filed, the board will by rule require a personal financial disclosure to be filed.

7.3(3) *Statewide candidates.* A person who is a candidate for statewide office will file a personal financial disclosure with the board by 11:59 p.m. on April 30 of the year the candidate appears on the ballot. If the due date falls on a weekend or holiday, the filing deadline will be extended to the first working day following the deadline. Once nomination papers or an affidavit of candidacy is filed, the board will notify the person of the requirement. The notification will be sent by first-class mail or email and will include information on how to file.

7.3(4) *Statewide candidates in a special election.* A candidate for statewide office in a special election will electronically file a personal financial disclosure with the board within ten days after the certification of the candidate's name as the nominee under Iowa Code section 43.88. Notification to a statewide candidate in a special election will be sent by first-class mail or email and will include information on how to file electronically.

This rule is intended to implement Iowa Code sections 68B.32A(5) and 68B.35.

351—7.4(68B) Penalties.

7.4(1) *Penalties for late personal financial disclosure statements.* An individual holding a designated position in the executive branch who fails to timely file a personal financial disclosure will be subject to an automatic civil penalty according to the following schedule:

Days Delinquent	Penalty Amount
1 to 14	$50
15 to 30	$100
31 and over	$250

7.4(2) *Additional penalty.* If an individual holding a designated position in the executive branch fails to file a personal financial disclosure statement within 45 days of the required filing date, a contested case proceeding may be held. The board may impose any of the actions under Iowa Code section 68B.32D in addition to the automatically assessed penalty in subrule 7.4(1).

7.4(3) *Failure to file true statement.* It will be considered a violation of Iowa Code section 68B.35 for an individual holding a designated position in the executive branch to file a disclosure statement containing false or fraudulent information. Complaints concerning the filing of a false or fraudulent disclosure statement will be handled by the procedures in Iowa Code section 68B.32B. If it is determined after a contested case proceeding that a false or fraudulent disclosure statement was filed, the board may impose any of the actions under Iowa Code section 68B.32D.

This rule is intended to implement Iowa Code sections 68B.32A(9) and 68B.35.

351—7.5(68B) Requests for waiver of penalties. If an individual holding a designated position in the executive branch believes that mitigating circumstances prevented the timely filing of a personal financial disclosure, the individual may petition the board for waiver of the penalty. The petition for waiver must be received by the board within 30 days of notification to the individual of the civil penalty assessment. The board will review the petition and may waive the penalty, in whole or in part, or deny the request.

This rule is intended to implement Iowa Code section 68B.32A(5) and 68B.32A(9).

351—7.6(68B) Contested case challenge.

7.6(1) *Request.* If the individual accepts administrative resolution concerning a late-filed personal financial disclosure through the payment of the assessed penalty, the matter will be closed. If the individual chooses to contest the board's decision to deny the request or grant a partial waiver of an assessed penalty, the individual will make a written request to the executive director for a contested case proceeding within 30 days of being notified of the board's decision.

7.6(2) *Procedure.* Upon timely receipt of a request for a contested case proceeding, the board will provide for the issuance of a statement of charges and notice of hearing. The contested case will be conducted in accordance with the provisions of Iowa Code chapter 17A. The burden will be on the board's legal counsel to prove that a violation occurred.

7.6(3) *Failure to request proceeding.* The failure to request a contested case proceeding to contest the board's decision on a waiver request is a failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A.

This rule is intended to implement Iowa Code sections 68B.32A(9) and 68B.33.

351—7.7(68B) Payment of penalty. Checks will be made payable to the State of Iowa and sent to the board's office for transfer to the office of the treasurer of state, which will deposit the check into the general fund.

This rule is intended to implement Iowa Code section 68B.32A(9).

351—7.8(68B) Retention and availability of filed forms.

7.8(1) *Public record.* Forms filed with the board are public records and will be available for inspection and copying.

7.8(2) *Internet access.* Pursuant to Iowa Code section 68B.35A, the board will record filed personal financial disclosure statements on the board's website. Filed forms will be accessible for a period of at least five years from the reporting due date.

This rule is intended to implement Iowa Code sections 68B.35 and 68B.35A.

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ARC 0239D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to executive branch lobbying

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 8, "Executive Branch Lobbying," Iowa Administrative Code, and adopts a new Chapter 8 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board is rescinding Chapter 8 and adopting a new chapter in lieu thereof. Chapter 8 establishes regulations for Executive Branch lobbying.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0092D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 351—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
EXECUTIVE BRANCH LOBBYING

351—8.1(68B) Definitions.

8.1(1) *Definitions.*

"Executive branch lobbying" means acting directly to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by a state agency or any statewide elected official. For purposes of this chapter, "state agency" does not include the legislative branch of state government.

"Executive branch lobbyist" means an individual who by acting directly does at least one of the following:

1. Receives compensation for engaging in executive branch lobbying.
2. Is a designated representative of an organization that has as one of its purposes engaging in executive branch lobbying.
3. Represents the position of a federal, state, or local agency in which the person serves or is employed as the representative designated to engage in executive branch lobbying.
4. Makes expenditures of more than $1,000 in a calendar year to communicate in person for the purpose of engaging in executive branch lobbying.

"Executive branch lobbyist client" means a private person or a federal, state, or local governmental entity that pays compensation to or designates an individual to be a lobbyist before the executive branch.

"Lobbyist compensation" means any money, thing of value, or financial benefit conferred in return for engaging in executive branch lobbying.

8.1(2) *Exemptions.* The following individuals are not considered to be executive branch lobbyists:

a. Officials and employees of a political party that is organized in the state of Iowa and that meets the requirements of Iowa Code section 43.2, when the officials and employees represent the political party in an official capacity.

b. Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.

c. All federal, state, and local elected officials, while performing the duties and responsibilities of office.

d. Individuals whose activities are limited to appearances to give testimony or provide information or assistance at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public officials or employees.

e. Members of the staff of the United States Congress or the Iowa general assembly.

f. Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency within which an official's or employee's agency is involved in a collaborative project.

g. An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization who is not paid compensation and is not specifically designated as an executive branch lobbyist.

h. Individuals whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under Iowa Code section 17A.4(1).

i. Individuals whose activities are limited to monitoring or following the progress of legislation, a rule, or an executive order, but who do not engage in executive branch lobbying.

j. Individuals who represent a client in responding to a request for proposal or otherwise receiving a contract or grant from a state agency.

k. Individuals who represent a client involved in a legal dispute with the state, including a contested case proceeding.

l. Individuals advocating for or against the appointment of a particular individual to a board or commission of the state.

This rule is intended to implement Iowa Code section 68B.2.

351—8.2(68B) Individuals not considered executive branch lobbyists. Individuals uncertain as to whether they are considered executive branch lobbyists should contact the board for guidance prior to engaging in any executive branch lobbying.

This rule is intended to implement Iowa Code section 68B.2(13).

351—8.3(68B) Contingency fee lobbying prohibited. No person will offer, nor will any person accept, compensation contingent upon the outcome of executive branch lobbying services rendered or to be rendered. Complaints or information alleging a violation of this rule will be filed with the board.

This rule is intended to implement Iowa Code section 68B.2(7).

351—8.4(68B) Lobbyist registration required.

8.4(1) *Time of filing.* Any individual engaging in executive branch lobbying activity will register by electronically filing an executive branch lobbyist registration statement with the chief clerk of the house of representatives or the secretary of the senate on or before the day the lobbying activity begins. Registration expires at the end of the calendar year. Beginning December 1 of each year, a person may register to lobby for the following calendar year.

8.4(2) *Place of filing.* Executive branch lobbyist registration statements will be electronically filed with the chief clerk of the house of representatives or the secretary of the senate through the general assembly's website.

8.4(3) *Amendment.* Any change or addition to the information in an executive branch lobbyist's registration statement will be filed with the chief clerk of the house of representatives or the secretary of the senate within ten days after the change or addition is made known to the lobbyist. The lobbyist may file changes or additions by electronically filing an amended registration statement.

8.4(4) *Failure to timely file.* An individual who fails to file an executive branch lobbyist registration statement before engaging in executive branch lobbying will be subject to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.3(68B) separate to any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code section 68B.36.

351—8.5(68B) Executive branch lobbyist client reporting.

8.5(1) *Place of filing.* Executive branch lobbyist client reports will be electronically filed with the general assembly through its website.

8.5(2) *Time of filing.* An executive branch lobbyist client report will be filed on or before July 31 unless the due date is extended by the general assembly.

This rule is intended to implement Iowa Code section 68B.38.

351—8.6(68B) Session function registrations and reports. Pursuant to Iowa Code section 68B.22(4)*"s,"* a sponsor of a qualified function is required to file with the general assembly a registration notice prior to the function and a report within 28 days of the function. The board will deem filings with the general assembly as acceptable filings with the board. The failure of a sponsor to timely file either a registration notice or a report will subject the sponsor to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.3(68B) separate from any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code sections 68B.22(4)*"s"* and 68B.32A(5).

351—8.7(68B) Automatic penalties for delinquent client reports.

8.7(1) *Late client report.* An executive branch lobbyist client that fails to file an executive branch lobbyist client report on or before the required due date will be subject to an automatic civil penalty according to the following schedule:

Days Delinquent	Penalty Amount
1 to 14	$50
15 to 30	$100
31 and over	$250

8.7(2) *Additional penalty.* If an executive branch lobbyist client fails to file a required client report or fails to file an accurate client report, a contested case proceeding may be held to determine whether a violation has occurred. If, after a contested case proceeding, it is determined that a violation occurred, the board may impose any of the actions under Iowa Code section 68B.32D. Any action so imposed would be in addition to the automatically assessed penalty in this rule.

This rule is intended to implement Iowa Code section 68B.32A(5) and 68B.32A(9).

351—8.8(68B) Request for waiver of penalty. An executive branch lobbyist client that believes there are mitigating circumstances that prevented the timely filing of a report may petition the board for waiver of the penalty. The board must receive the petition for waiver within 30 days of the executive branch lobbyist's client being notified of the civil penalty assessment. The board will review the request and issue a waiver, in whole or in part, or denial of the request. If a denial or partial waiver is issued, the person will promptly pay the assessed penalty or request a contested case proceeding pursuant to rule 351—8.9(68B) to appeal the board's decision.

This rule is intended to implement Iowa Code section 68B.32A(5) and 68B.32A(9).

351—8.9(68B) Contested case proceeding.

8.9(1) *Request.* If an executive branch lobbyist client accepts administrative resolution of a matter through the payment of a civil penalty, the matter will be closed. If the person chooses to contest the board's decision, the person will make a written request to the executive director for a contested case proceeding within 30 days of being notified of the board's decision.

8.9(2) *Procedure.* Upon timely receipt of a request for a contested case proceeding, the board will provide for the issuance of a statement of charges and notice of hearing. The burden will be on the board's legal counsel to prove that a violation occurred.

8.9(3) *Failure to request a contested case proceeding.* The failure to request a contested case proceeding to appeal the board's decision on a waiver request is the failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A and section 68B.33.

This rule is intended to implement Iowa Code sections 68B.32A(5), 68B.32A(9), and 68B.33.

351—8.10(68B) Payment of penalty. Checks will be made payable to the State of Iowa and sent to the board's office for transfer to the office of the treasurer of the state, which will deposit the check into the general fund.

This rule is intended to implement Iowa Code section 68B.32A(5) and 68B.32A(9).

351—8.11(68A) Campaign contributions by lobbyists during the regular legislative session.

8.11(1) *Prohibition.* Individuals who are registered in Iowa as either executive branch or legislative branch lobbyists are prohibited from contributing to, acting as an agent or intermediary for contributions to, or arranging for the making of monetary or in-kind contributions to the campaign of an elected state official, member of the general assembly, or candidate for state office on any day during the legislative session.

8.11(2) *Mailed contributions prohibited.* This prohibition includes a contribution that is mailed during the legislative session but received by the candidate after adjournment sine die.

8.11(3) *Application to governor, lieutenant governor, and candidates.* The prohibition on contributions to the governor, lieutenant governor, or candidates for either office during the legislative session extends for 30 days following the adjournment sine die of a regular legislative session.

8.11(4) *Exceptions.* The prohibition on contributions during the legislative session does not apply to any of the following:

a. Contributions to an elected state official, member of the general assembly, or other state official who has taken affirmative action to seek nomination or election to a federal elective office so long as the lobbyist's contribution is placed into the candidate's federal account.

b. Contributions to a candidate for state office who filed nomination papers for a special election called or held during the legislative session if the candidate receives the contribution at any time during the period commencing on the date on which at least two candidates have been nominated for the office and ending on the date on which the election is held. However, elected state officials are prohibited from soliciting lobbyists for contributions to another candidate for state office when a special election is held during the legislative session.

c. Contributions made during a special legislative session. In the case of the governor, lieutenant governor, and candidates for either office, this exception also includes the 30 days following a special legislative session unless that time period falls within 30 days of adjournment of the regular legislative session.

d. Contributions from a lobbyist's personal funds made to the lobbyist's own campaign for public office.

8.11(5) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68A.504 involving either executive branch lobbyists or legislative branch lobbyists will be filed with the board.

8.11(6) *Date of session.* For purposes of Iowa Code section 68A.504 and this rule, a legislative session commences at 12 a.m. on the first day of the legislative session through 11:59:59 p.m. on the day that the legislative session adjourns sine die.

This rule is intended to implement Iowa Code section 68A.504.

351—8.12(68B) Loans made by lobbyists.

8.12(1) *Prohibition.* An executive branch official or employee or a candidate for statewide office will not directly or indirectly seek or accept a loan from a person who is an executive branch lobbyist.

8.12(2) *Offer of loan prohibited.* An executive branch lobbyist will not directly or indirectly offer or make a loan to an executive branch official, executive branch employee, or a candidate for statewide office.

8.12(3) *Exception.* This prohibition does not apply to loans made in the ordinary course of business. "Ordinary course of business" means the loan is made by a person who is regularly engaged in a business that makes loans to members of the general public and the finance charges and other terms of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

8.12(4) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68B.24 by an executive branch official or employee, candidate for statewide office, or an executive branch lobbyist will be filed with the board.

This rule is intended to implement Iowa Code section 68B.24.

351—8.13(68B) Ban on certain lobbying activities by government personnel.

8.13(1) *Lobbying restrictions—statewide elected officials and executive or administrative heads.*

a. A person who serves as a statewide elected official, the executive or administrative head of an agency, or the deputy executive or administrative head of an agency will not act as a lobbyist during the time in which the person serves or is employed by the state unless the person is designated to represent the official position of the person's agency.

b. A person subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government except as provided in subrule 8.13(4).

8.13(2) *Lobbying restrictions—employees of statewide elected officials and other agency employees.*

a. The head of a major subunit of an agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds or a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds will not act as a lobbyist during the time in which the person is employed by the state before the agency that the person is employed by or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated to represent the official position of the agency.

b. A person subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying before the agency by which the person was employed or before state agencies, officials, or employees with whom the person had substantial and regular contact as part of the person's former duties except as provided in subrule 8.13(4).

8.13(3) *Lobbying restrictions—conflicts of interest.* A state employee who is not included in subrule 8.13(1) or 8.13(2) will not act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person is directly concerned and personally participates as part of the person's employment, unless the person is designated to represent the official position of the agency by which the person is employed. Persons subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying in relation to any particular case, proceeding, or application with respect to which the person was directly concerned and personally participated as part of the person's employment.

8.13(4) *Exception.* This prohibition does not apply to a person who, within two years of leaving state service or employment, is elected to, appointed to, or employed by another office of the state, an office of a political subdivision of the state, or the federal government and represents the position of the new office or employment.

8.13(5) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68B.5A by an executive branch official or an executive branch employee will be filed with the board.

This rule is intended to implement Iowa Code section 68B.5A.

351—8.14(68B) False communications prohibited.

8.14(1) *False material fact.* An executive branch lobbyist will not intentionally deceive or attempt to deceive any executive branch official or employee in regard to a material fact pertinent to an administrative rule, legislation, or an executive order.

8.14(2) *False communication.* An executive branch lobbyist will not cause a communication or an executive branch lobbyist registration statement to be sent to an executive branch official or an executive branch employee in the name of either of the following:

a. A fictitious person; or

b. A real person except with the consent of that person.

8.14(3) *Complaints.* Complaints or information provided to the board alleging a violation of this rule by an executive branch lobbyist will be filed with the board.

This rule is intended to implement Iowa Code section 68B.32A(13).

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[Published 4/29/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0240D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to complaint, investigation, and resolution procedures

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 9, "Complaint, Investigation, and Resolution 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 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board is rescinding Chapter 9 and adopting a new chapter in lieu thereof. Chapter 9 establishes the procedures used by the Board to process complaints made pursuant to Iowa Code chapters 68A and 68B.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0096D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 351—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
COMPLAINT, INVESTIGATION, AND RESOLUTION PROCEDURES

351—9.1(68B) Complaints.

9.1(1) *Form.* A complaint will be on forms provided by the board and will be certified under penalty of perjury. The complaint will contain all information required by Iowa Code section 68B.32B(1). The complainant may attach up to 20 pages of supporting documents to the complaint. The Board's legal counsel will review the complaint for sufficiency of form. If the complaint is deficient as to form, the complaint will be returned to the complainant with a statement of deficiency.

9.1(2) *Board acceptance.* A complaint will be deemed accepted if, after legal review by the board's legal counsel, review by the chairperson, and a vote of the board, it is determined the complaint contains the requirements as listed in Iowa Code section 68B.32B(4). If both the board's legal counsel and the board opine that the complaint does not contain a legally sufficient allegation, the complaint will be dismissed.

9.1(3) *Notice.* Notice to the subject of a complaint is made only when a complaint is accepted, subject to the conditions of Iowa Code section 68B.32B(3).

9.1(4) *Board review.* The board's review of a formal complaint for legal sufficiency is not a contested case proceeding and will be made solely on the contents of the complaint. Dismissal for lack of legal sufficiency is not subject to appeal.

9.1(5) *Information provided to board.* The board may, on its own motion and without the filing of a complaint, initiate investigations into matters that the board believes may be subject to the board's jurisdiction.

351—9.2(68B) Investigations—board action.

9.2(1) *Board-initiated investigation.* In addition to investigations of legally sufficient complaints, the board may, on its own motion, refer to staff for investigation matters that the board believes may be subject to the board's jurisdiction.

9.2(2) *Subpoenas.* Investigations may include the issuance and enforcement of investigative subpoenas requiring the production of real evidence as well as requiring the attendance and testimony of witnesses.

9.2(3) *Completion.* Upon completion of an investigation, staff will make a report to the board, and the board's legal counsel may provide a recommendation for board action.

9.2(4) *Board action.* Upon receipt and review of the investigative findings and any recommendations, the board may:

a. Redirect the matter for further investigation;

b. Dismiss the matter for lack of probable cause to believe a violation has occurred;

c. Dismiss the matter without a determination regarding probable cause as an exercise of administrative discretion;

d. Make a determination that probable cause exists to believe a violation has occurred and direct administrative resolution of the matter as provided in subrule 9.3(2); or

e. Make a determination that probable cause exists to believe a violation has occurred and direct the issuance of a statement of charges to initiate a contested case proceeding.

351—9.3(68B) Disciplinary remedies; administrative resolution of enforcement matters.

9.3(1) *Action after hearing.* If it is determined after a contested case proceeding that a violation of statute or rule under the board's jurisdiction has occurred, the board may impose any of the actions set out in Iowa Code section 68B.32D, including as a remedial action the assessment of direct costs related to the hearing for printing, postage, long-distance telephone charges, witness fees, and compensation paid to the presiding officer.

9.3(2) *Administrative resolution.* Violations may be handled by administrative resolution rather than through the full contested case proceeding process. The board may order administrative resolution by directing that the person take specified remedial action. The board may also order administrative resolution by issuing a letter of reprimand or by imposing a civil penalty as set out in subrule 9.3(7).

9.3(3) *Response to administrative resolution.* A person subject to board discipline may accept administrative resolution. If the person accepts the administrative resolution by complying with the directed remedial action or accepting a letter of reprimand, the matter will be closed. If the person wishes to appeal the administrative resolution, the person will make a written request to the executive director for a contested case proceeding and will submit the request within 30 days of the date of the correspondence informing the person of the board's decision.

9.3(4) *Statement of charges.* The board will issue a statement of charges upon timely receipt of a request for a contested case proceeding to appeal an administrative resolution. The contested case will be conducted in accordance with the provisions in Iowa Code chapter 17A. The board's legal counsel will have the burden of proving the violation. Failure to challenge the administrative resolution through a request for a contested case proceeding is a failure to exhaust administrative remedies for purposes of seeking judicial review.

9.3(5) *Automatic civil penalties.* The board may administratively resolve late-filed reports by the assessment of automatic civil penalties, subject to the civil penalty waiver process. The board may retain $10 of any civil penalty that is ultimately not waived by the board or by a court of law as return receipts covering incidental costs such as printing and postage. The remainder of the civil penalty will be deposited in the state general fund.

9.3(6) *Admonishment.* The board may admonish any person who it believes has committed a minor violation to exercise care. An admonishment is not discipline and is not subject to a contested case proceeding appeal.

9.3(7) *Civil penalty for violation.* If the board determines that probable cause exists to believe that a violation of any statute or rule under its jurisdiction has occurred, except for a late-filed disclosure report, the board may order administrative resolution of the violation by imposing a civil penalty not to exceed $1,000. A person assessed a civil penalty may appeal the decision by requesting within 30 days of the date of the correspondence informing the person of the board's decision a contested case proceeding to be held under the process set out in subrule 9.3(4).

351—9.4(68B) Settlements. Settlements may be negotiated during an investigation or after the commencement of a contested case proceeding. Negotiations will be conducted between the board's legal counsel and any person subject to the investigation or contested case proceeding or the person's legal representatives. A settlement will be in writing and is subject to approval of the board. If the board declines to approve a proposed settlement, the settlement will be of no force or effect.

351—9.5(68B) Protections for complaints made in good faith.

9.5(1) *Good faith definition.* For purposes of Iowa Code section 68B.32A(14), "good faith" means that any statements or materials in a complaint, in information provided to the board for a possible board-initiated investigation, or provided in information during the course of a board investigation were made or provided with a reasonable belief that such statements or materials were true and accurate.

9.5(2) *Protections.* A person who discharges or discriminates against an employee because the employee filed a complaint or provided information during the course of a board investigation may be subject to the board's complaint process if the employee filed the complaint or provided the information in good faith. If it is determined after a contested case proceeding that a person has impermissibly discharged or discriminated against an employee under this rule, the board may impose sanctions as set out in Iowa Code section 68B.32D.

This rule is intended to implement Iowa Code sections 68B.32A(14) and 68B.32B.

351—9.6(68B) Providing false information to the board during an investigation. A person providing false information to the board during a board investigation of a potential violation of Iowa Code chapter 68A or 68B or rules adopted by the board will be subject to the complaint or administrative resolution process as provided under Iowa Code chapter 68B and rule 351—9.3(68B). For purposes of this rule, "providing false information" means the intentional providing of a false material statement of fact, falsely denying knowledge of a material fact, or providing a material statement of fact with a reckless disregard for the truth of the statement.

This rule is intended to implement Iowa Code sections 68B.32A and 68B.32B.

These rules are intended to implement Iowa Code section 68B.32B.

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ARC 0241D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to contested case procedures

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 11, "Contested Case Procedures," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding contested case procedures. To satisfy these obligations, the Board promulgated Chapter 11 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is rescinding Chapter 11 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0097D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **351—Chapter 11**.

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ARC 0242D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to declaratory orders

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 12, "Declaratory Orders," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding procedures for declaratory orders. To satisfy these obligations, the Board promulgated Chapter 12 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is rescinding Chapter 12 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0098D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **351—Chapter 12**.

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ARC 0243D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to petitions for rulemaking

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 13, "Petitions for Rule Making," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding the rulemaking process and petitions for rulemaking. To satisfy these obligations, the Board promulgated Chapter 13 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is rescinding Chapter 13 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0099D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **351—Chapter 13**.

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ARC 0244D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to board procedure for rulemaking

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 14, "Board Procedure for Rule Making," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding the rulemaking process. To satisfy these obligations, the Board promulgated Chapter 14 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is rescinding Chapter 14 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0101D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **351—Chapter 14**.

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ARC 0245D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Rulemaking related to waivers or variances from administrative rules

The Iowa Ethics and Campaign Disclosure Board hereby rescinds Chapter 15, "Waivers or Variances from Administrative Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding the rulemaking process and waivers from administrative rules. To satisfy these obligations, the Board promulgated Chapter 15 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is rescinding Chapter 15 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0100D**. A public hearing was held on the following date(s):

- March 24, 2026
- March 26, 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 April 8, 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 Iowa Code section 17A.9A and 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **351—Chapter 15**.

[Filed 4/8/26, effective 6/3/26]
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ARC 0246D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to fire control administration

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 280, "Fire Control Administration," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 10A.511.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 10A.511.

Purpose and Summary

This rulemaking repromulgates subrule 280.8(2). Iowa Code section 10A.511 requires that the Department adopt rules regarding fire hazards or fire safety or protection in any establishment, building, or structure. Subrule 280.8(2) was mistakenly revised during the Red Tape Review of Chapter 280. This rulemaking implements Iowa Code section 10A.511 by returning subrule 280.8(2) to its previous form.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 4, 2026, as **ARC 0083D**. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 8, 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 481—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind subrule 280.8(2) and adopt the following **new** subrule in lieu thereof:

280.8(2) The following chapters and sections of the International Building Code, 2024 edition, published by the International Code Council, as amended by rule 481—301.3(10A):

a. Chapter 2.
b. Chapter 3.
c. Chapter 4.
d. Chapter 5.
e. Chapter 6.
f. Chapter 7.
g. Sections 804 and 805.

[Filed 4/8/26, effective 6/3/26]
[Published 4/29/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0247D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to dental assistants

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 570, "Dental Board Administration," Chapter 572, "Dental Licensure, Registration, Renewal, Reactivation and Reinstatement," Chapter 573, "Dental Continuing Education," Chapter 574, "General Requirements and Standards of Practice," Chapter 575, "Dental Assistants, Dental Radiography Qualifications, and Dental Laboratory Technicians," Chapter 577, "Expanded Functions," and Chapter 581, "Dental Board Discipline," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 147, 153 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147, 153 and 272C and 2025 Iowa Acts, House File 805.

Purpose and Summary

This rulemaking amends the rules promulgated by the Dental Board to implement 2025 Iowa Acts, House File 805. This legislation allows for dental assistants to practice in Iowa without a requirement to be registered if they complete a term of practical training as set forth in rule and Iowa Code chapter 153.

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 9785C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on February 18, 2026, as **ARC 0071D**.

Public comments were received from the Iowa Dental Assistant Association requesting a pause on the rulemaking because they did not believe they had been allowed to participate in the rulemaking process. The Dental Board found that the Dental Assistant Association received the same notice and opportunity to participate in the rulemaking as any other member of the public. Other comments received from dental assistants regarded concern about the lack of examinations or measures of the assistants' competency.

One change from the Notice has been made. The amendment to the definition of "public health supervision" in Item 1 was not adopted.

Adoption of Rulemaking

This rulemaking was adopted by the Board on April 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 481—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule **481—570.1(153)**, definition of "Lapsed license," as follows:

"Lapsed license," "lapsed permit," or *"lapsed registration"* means a license, permit, or registration that a person has failed to renew as required or the license, permit, or registration of a person who failed to meet stated obligations for renewal within a stated time. A person whose license, permit, or registration has lapsed continues to hold the privilege of licensure or registration in Iowa but may not practice dentistry, dental hygiene, or dental ~~assisting~~ radiography or as a registered dental assistant until the license, permit, or registration is reinstated.

ITEM 2. Amend subrule 572.6(1) as follows:

572.6(1) Applicants for a radiography qualification must also be ~~registered as~~ a dental assistant pursuant to Iowa Code chapter 153 or hold an active license issued by the board of nursing.

ITEM 3. Amend subrule 572.21(1) as follows:

572.21(1) A registered dental assistant or licensed nurse whose radiography qualification has lapsed may have the radiography qualification reactivated at the discretion of the board. In addition to the application requirements specified in rule 481—572.20(147,153,272C), applicants for reactivation must also submit evidence of the following:

a. ~~Evidence of current registration~~ Current practice as a dental assistant or an Iowa nursing license; and

b. Evidence of one of the following:

(1) If the radiography qualification has been lapsed for less than five years, a minimum of two hours of continuing education in the subject area of dental radiography, taken within the previous two-year period;

(2) If the radiography qualification has been lapsed for more than five years, the applicant has retaken and successfully completed a board-approved examination in dental radiography; or

(3) Current radiography qualification issued by another state, district or territory, and a statement detailing the clinical practice in dental radiography in that jurisdiction for a minimum of two years in the previous five-year period.

ITEM 4. Amend paragraph **573.1(1)"d"** as follows:

d. Each ~~registrant~~ dental assistant or licensed nurse who holds a radiography qualification: a minimum of two hours in the area of dental radiography. These hours may also be applied toward the requirements as stipulated in paragraph 573.1(1)*"c."*

ITEM 5. Amend rule 481—574.1(153) as follows:

481—574.1(153) Licensed, ~~or~~ registered or trained personnel. In accordance with Iowa Code chapters 147 and 153, persons engaged in the practice of dentistry, dental hygiene or dental assisting in Iowa must be licensed by the board as a dentist or dental hygienist or registered or trained pursuant to Iowa Code chapter 153 as a dental assistant.

This rule is intended to implement Iowa Code chapters 147 and 153.

ITEM 6. Amend subrules 574.4(1) and 574.4(2) as follows:

574.4(1) *Child and dependent adult abuse training.* Licensees or ~~registrants~~ dental assistants who regularly examine, attend, counsel or treat children or adults in Iowa must obtain mandatory training in child and dependent adult abuse identification and reporting in accordance with Iowa Code sections 232.69 and 235B.16 and 481—Chapter 573.

574.4(2) *Cardiopulmonary resuscitation.* Licensees and ~~registrants~~ dental assistants may practice in Iowa if they obtain and maintain current certification in a cardiopulmonary resuscitation (CPR) course that included a hands-on component. The board reserves the right to request that licensees and registrants provide evidence of current certification.

ITEM 7. Amend rule 481—574.14(153) as follows:

481—574.14(153) Unethical and unprofessional conduct.

574.14(1) Unethical or unprofessional conduct includes the following:

a. Taking actions that the board deems to be abusive, coercive, intimidating, harassing, untruthful or threatening in connection with the practice of dentistry.

b. Knowingly providing false or misleading information to the board or an agent of the board.

c. Knowingly interfering with a person filing a complaint with the board, or entering an agreement with a person that prohibits that person from filing a complaint with the board.

d. Failing to fully explain a treatment regimen and obtain patient authorization before treatment begins.

574.14(2) A licensee or registrant who has been diagnosed with a communicable or infectious disease shall comply with Iowa Code chapter 139A. Failure to do so constitutes unethical and unprofessional conduct and may be grounds for disciplinary action by the board.

574.14(3) Employing a licensee or registrant as an unregistered dental assistant who has been previously disciplined by the board without board approval constitutes unethical conduct and may be grounds for disciplinary action by the board.

ITEM 8. Amend rule 481—575.1(153) as follows:

481—575.1(153) Registration required. A person shall not practice dental assisting without a current registration issued by the board pursuant to rule 481—571.5(147,153). The following individuals are exempt from the requirements of this rule:

575.1(1) Students enrolled in an accredited dental, dental hygiene, or dental assisting program;

575.1(2) Dental assistant trainees who are meeting the requirements for registration pursuant to Iowa Code section 153.39; ~~and~~

575.1(3) Persons who are actively licensed in Iowa to practice dental hygiene or nursing and who are engaged in the practice of said profession~~.~~; and

575.1(4) Persons who successfully complete a term of practical training for dental assisting to include jurisprudence and infection control under the supervision of a licensed dentist pursuant to Iowa Code section 153.39(5).

ITEM 9. Amend rule 481—575.2(136C,153) as follows:

481—575.2(136C,153) Qualification required.

575.2(1) A person who is not otherwise actively licensed by the board shall not participate in dental radiography unless the person ~~holds an active registration~~ is a dental assistant or holds a nursing license and holds an active radiography qualification issued by the board and a dentist provides general supervision.

a. and *b.* No change.

575.2(2) No change.

575.2(3) Any licensee who permits a person to engage in dental radiography or a ~~registrant~~ dental assistant who engages in dental radiography contrary to this chapter or Iowa Code chapter 136C may be subject to discipline by the board pursuant to 481—Chapter 580.

ITEM 10. Amend rule 481—575.3(153) as follows:

481—575.3(153) Dental assistants.

575.3(1) Dental assistant trainees are individuals who are engaging in on-the-job training to meet the requirements for registration pursuant to Iowa Code section 153.39 and rule 481—571.5(147,153). Trainees who are 18 years of age or older may also engage in on-the-job training in dental radiography pursuant to Iowa Code chapters 136C and 153 and this chapter.

a. No change.

b. A dental assistant trainee shall stop work as a dental assistant trainee if the trainee fails to become registered or complete the term of practical training described in Iowa Code section 153.39(5) prior to the expiration date.

575.3(2) No change.

575.3(3) A person may practice as a dental assistant without receiving a certificate of registration as described in Iowa Code section 153.39 if the person successfully completes a term of practical training under the supervision of a licensed dentist. A person is not eligible to practice as an unregistered dental assistant without board approval if the person has received prior discipline by the board.

ITEM 11. Amend subrule 575.5(1), introductory paragraph, as follows:

575.5(1) A licensed dentist may delegate the following services to a ~~registered~~ dental assistant under general supervision:

ITEM 12. Amend rule 481—575.6(153) as follows:

481—575.6(153) Continuing education. For the purposes of renewal, every ~~registrant~~ dental assistant and licensed nurse who holds a dental radiography qualification will complete continuing education requirements as specified in 481—Chapter 573 unless exempted by rule.

ITEM 13. Amend subrule 577.1(1), introductory paragraph, as follows:

577.1(1) Dental hygienists or ~~registered~~ dental assistants may only perform expanded function procedures upon successful completion of a board-approved course of training. Dental assistant trainees are not eligible to receive training in or perform expanded function procedures.

ITEM 14. Amend subrule 577.1(3) as follows:

577.1(3) To be eligible to train in expanded function procedures, dental assistants must ~~hold an active registration and~~ comply with one of the following:

a. Be a graduate of an accredited school;

b. Be currently certified by the Dental Assisting National Board (DANB); or

c. Have at least three months of clinical practice as a ~~registered~~ dental assistant ~~or clinical practice as a dental assistant in a state that does not require registration~~.

ITEM 15. Amend paragraph **581.3(1)"d"** as follows:

d. Delegation of any acts to any licensee, ~~or~~ registrant or qualified person that are beyond the training or education of the licensee, ~~or~~ registrant or qualified person, or that are otherwise prohibited by rule;

[Filed 4/8/26, effective 6/3/26]

[Published 4/29/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0248D

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Adopted and Filed

Rulemaking related to war orphans educational assistance fund

The Iowa Department of Veterans Affairs hereby rescinds Chapter 9, "War Orphans Educational Assistance Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 35A.14 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 35A.14 and Executive Order 10.

Purpose and Summary

The purpose of this rulemaking is to rescind Chapter 9 with no replacement.

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 9841C**. A public hearing was held on the following date(s):

- January 5, 2026
- January 6, 2026

No comments were received. No changes from the Notice have been made.

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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **801—Chapter 9**.

[Filed 4/2/26, effective 6/3/26]
[Published 4/29/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0249D

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Adopted and Filed

Rulemaking related to Vietnam conflict veterans bonus

The Iowa Department of Veterans Affairs hereby rescinds Chapter 13, "Vietnam Conflict Veterans Bonus," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 35A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 35A and Executive Order 10.

Purpose and Summary

The purpose of this rulemaking is to rescind Chapter 13 with no replacement.

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 9842C**. A public hearing was held on the following date(s):

- January 5, 2026
- January 6, 2026

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **801—Chapter 13**.

[Filed 4/2/26, effective 6/3/26]
[Published 4/29/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

ARC 0250D

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Adopted and Filed

Rulemaking related to limited residency Vietnam conflict veterans bonus

The Iowa Department of Veterans Affairs hereby rescinds Chapter 16, "Limited Residency Vietnam Conflict Veterans Bonus," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 35A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 35A and Executive Order 10.

Purpose and Summary

The purpose of this rulemaking is to rescind Chapter 16 with no replacement.

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 9843C**. A public hearing was held on the following date(s):

- January 5, 2026
- January 6, 2026

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on April 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 June 3, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **801—Chapter 16**.

[Filed 4/2/26, effective 6/3/26]
[Published 4/29/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/29/26.

AGENCY	RULE	DELAY
Environmental Protection Commission[567]	ch 69 [IAB 8/6/25, **ARC 9467C**]	Effective date of September 10, 2025, delayed until 70 days after the adjournment of the 2026 Legislative Session of the General Assembly by the Administrative Rules Review Committee at its meeting held April 13, 2026. [Pursuant to §17A.8(9) and §17A.8(10)]
Transportation Department[761]	ch 821 [IAB 3/18/26, **ARC 0154D**]	Effective date of April 22, 2026, delayed 70 days by the Administrative Rules Review Committee at its meeting held April 13, 2026. [Pursuant to §17A.8(10)]