



# IOWA ADMINISTRATIVE BULLETIN

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Pages 179 to 304

## CONTENTS IN THIS ISSUE

Pages 187 to 304 include **ARC 6435C** to **ARC 6459C** and **ARC 6461C** to **ARC 6466C**

### ALL AGENCIES

Agency identification numbers . . . . .	185
Citation of administrative rules . . . . .	181
Schedule for rule making . . . . .	182

### CREDIT UNION DIVISION[189]

COMMERCE DEPARTMENT[181]“umbrella”

Notice, Application of generally accepted accounting principles (GAAP), 2.12(2), 9.1(3), 15.2(2), 17.4(1), 18.1, 18.3(1), 18.4(1), 18.5(1) <b>ARC 6443C</b> . . . . .	187
---	-----

### ECONOMIC DEVELOPMENT

#### AUTHORITY[261]

Notice, Sports tourism program—marketing fund, infrastructure fund, amend chs 214, 215; adopt ch 216 <b>ARC 6444C</b> . . . . .	189
---	-----

### HUMAN SERVICES DEPARTMENT[441]

Notice, PROMISE JOBS program, amendments to ch 93 <b>ARC 6458C</b> . . . . .	195
Notice, Residential facilities for children with an intellectual disability or brain injury—five-year review of rules, 116.2 <b>ARC 6457C</b> . . . . .	211
Notice, Child care expansion programs, rescind ch 168 <b>ARC 6456C</b> . . . . .	213
Filed, Declaratory orders—five-year review of rules, 5.1, 5.3(3), 5.5, 5.6, 5.9(2), 5.10, 5.11 <b>ARC 6439C</b> . . . . .	287

Filed, Food assistance program—change of name to supplemental nutrition assistance program (SNAP); family self-sufficiency grants program, amendments to ch 47 <b>ARC 6440C</b> . . . . .	290
Filed, Foster home insurance fund—auto damage by foster children, 158.3(1)“b” <b>ARC 6441C</b> . . . . .	293

### INSPECTIONS AND APPEALS

#### DEPARTMENT[481]

Notice, Food and consumer safety; food establishment and food processing plant inspections, amendments to chs 30, 31 <b>ARC 6455C</b> . . . . .	214
Notice, Home food processing establishments, ch 34 <b>ARC 6454C</b> . . . . .	224

### LOTTERY AUTHORITY, IOWA[531]

Notice, Licensing—five-year review of rules, 12.1, 12.4, 12.12 to 12.15 <b>ARC 6445C</b> . . . . .	236
--	-----

### MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Notice, Abortion prerequisites, 13.16 <b>ARC 6461C</b> . . . . .	239
Filed, Collaborative pharmacy practice, 13.4 <b>ARC 6442C</b> . . . . .	294

**PROFESSIONAL LICENSURE DIVISION[645]**

**PUBLIC HEALTH DEPARTMENT[641]“umbrella”**

Notice, Barbers—licensure, continuing education, independent study, 21.2, 21.16, 24.1 **ARC 6459C** . . . . . 241

Filed, Respiratory care practitioners and polysomnographic technologists—polysomnography licensure fees, 5.17 **ARC 6464C**. . . . . 295

**PUBLIC HEALTH DEPARTMENT[641]**

Notice Terminated, Center for congenital and inherited disorders, 4.1(1), 4.2, 4.3, 4.7, 4.11 to 4.14 **ARC 6438C** . . . . . 244

Filed, AIDS drug assistance program (ADAP)—eligibility requirements, 11.43 **ARC 6435C** . . . . . 297

Filed, Plumbing and mechanical systems professionals—journey person examination, 29.6(3)“l” **ARC 6463C**. . . . . 299

Filed, Limited radiologic technologist examination; permit holder continuing education, 42.9(2)“e”(3), 42.18(2) **ARC 6436C** . . . . . 300

Filed, Special supplemental nutrition program for women, infants, and children (WIC) online ordering project, 73.26 **ARC 6437C** . . . . . 302

**PUBLIC HEARINGS**

Summarized list . . . . . 183

**PUBLIC SAFETY DEPARTMENT[661]**

Filed, Local fire protection and emergency medical service providers grant program, 265.51 **ARC 6462C** . . . . . 303

**REVENUE DEPARTMENT[701]**

Notice, Public records and fair information practices; general administration; tax return extension in disaster areas, adopt ch 5; amend chs 6, 10 **ARC 6452C**. . . . . 244

Notice, Tax-related due dates that fall on Saturdays, Sundays, or holidays, amendments to chs 7, 39, 48, 52, 58, 70, 78, 87, 89 **ARC 6450C** . . . . . 257

Notice, Appeals, taxpayer representation, and other administrative procedures, 7.6, 7.9(6), **ARC 6449C** . . . . . 262

Notice, Personal service and paperless delivery of notices, correspondence, and other communication, 7.33, 8.6 **ARC 6446C** . . . . . 271

Notice, Income tax returns—whole dollars, 8.5(2)“a” **ARC 6448C** . . . . . 273

Notice, Failure to file penalty, 10.9 **ARC 6453C** . . . 275

Notice, Corporate income tax rate adjustments, 51.10 **ARC 6451C** . . . . . 278

**TRANSPORTATION DEPARTMENT[761]**

Notice, Contested cases, 13.4 to 13.7, 13.12(3) **ARC 6447C**. . . . . 280

Notice, Persons with disabilities parking permits, amendments to ch 411 **ARC 6465C**. . . . . 282

Notice, Driver’s licenses for active duty military service members and veterans, 605.10 **ARC 6466C** . . . . . 284

## 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.

JACK EWING, Administrative Code Editor  
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### CITATION of Administrative Rules

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

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

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

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

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

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

## Schedule for Rule Making 2022

NOTICE† SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
<b>**Dec. 22 '21**</b>	Jan. 12 '22	Feb. 1 '22	Feb. 16 '22	Feb. 18 '22	Mar. 9 '22	Apr. 13 '22	July 11 '22
<b>**Jan. 5**</b>	Jan. 26	Feb. 15	Mar. 2	Mar. 4	Mar. 23	Apr. 27	July 25
Jan. 21	Feb. 9	Mar. 1	Mar. 16	Mar. 18	Apr. 6	May 11	Aug. 8
Feb. 4	Feb. 23	Mar. 15	Mar. 30	Apr. 1	Apr. 20	May 25	Aug. 22
Feb. 18	Mar. 9	Mar. 29	Apr. 13	Apr. 15	May 4	June 8	Sep. 5
Mar. 4	Mar. 23	Apr. 12	Apr. 27	Apr. 29	May 18	June 22	Sep. 19
Mar. 18	Apr. 6	Apr. 26	May 11	<b>**May 11**</b>	June 1	July 6	Oct. 3
Apr. 1	Apr. 20	May 10	May 25	May 27	June 15	July 20	Oct. 17
Apr. 15	May 4	May 24	June 8	June 10	June 29	Aug. 3	Oct. 31
Apr. 29	May 18	June 7	June 22	<b>**June 22**</b>	July 13	Aug. 17	Nov. 14
<b>**May 11**</b>	June 1	June 21	July 6	July 8	July 27	Aug. 31	Nov. 28
May 27	June 15	July 5	July 20	July 22	Aug. 10	Sep. 14	Dec. 12
June 10	June 29	July 19	Aug. 3	Aug. 5	Aug. 24	Sep. 28	Dec. 26
<b>**June 22**</b>	July 13	Aug. 2	Aug. 17	<b>**Aug. 17**</b>	Sep. 7	Oct. 12	Jan. 9 '23
July 8	July 27	Aug. 16	Aug. 31	Sep. 2	Sep. 21	Oct. 26	Jan. 23 '23
July 22	Aug. 10	Aug. 30	Sep. 14	Sep. 16	Oct. 5	Nov. 9	Feb. 6 '23
Aug. 5	Aug. 24	Sep. 13	Sep. 28	Sep. 30	Oct. 19	Nov. 23	Feb. 20 '23
<b>**Aug. 17**</b>	Sep. 7	Sep. 27	Oct. 12	Oct. 14	Nov. 2	Dec. 7	Mar. 6 '23
Sep. 2	Sep. 21	Oct. 11	Oct. 26	<b>**Oct. 26**</b>	Nov. 16	Dec. 21	Mar. 20 '23
Sep. 16	Oct. 5	Oct. 25	Nov. 9	<b>**Nov. 9**</b>	Nov. 30	Jan. 4 '23	Apr. 3 '23
Sep. 30	Oct. 19	Nov. 8	Nov. 23	Nov. 25	Dec. 14	Jan. 18 '23	Apr. 17 '23
Oct. 14	Nov. 2	Nov. 22	Dec. 7	<b>**Dec. 7**</b>	Dec. 28	Feb. 1 '23	May 1 '23
<b>**Oct. 26**</b>	Nov. 16	Dec. 6	Dec. 21	<b>**Dec. 21**</b>	Jan. 11 '23	Feb. 15 '23	May 15 '23
<b>**Nov. 9**</b>	Nov. 30	Dec. 20	Jan. 4 '23	<b>**Jan. 4 '23**</b>	Jan. 25 '23	Mar. 1 '23	May 29 '23
Nov. 25	Dec. 14	Jan. 3 '23	Jan. 18 '23	Jan. 20 '23	Feb. 8 '23	Mar. 15 '23	June 12 '23
<b>**Dec. 7**</b>	Dec. 28	Jan. 17 '23	Feb. 1 '23	Feb. 3 '23	Feb. 22 '23	Mar. 29 '23	June 26 '23
<b>**Dec. 21**</b>	Jan. 11 '23	Jan. 31 '23	Feb. 15 '23	Feb. 17 '23	Mar. 8 '23	Apr. 12 '23	July 10 '23

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
5	Wednesday, August 17, 2022	September 7, 2022
6	Friday, September 2, 2022	September 21, 2022
7	Friday, September 16, 2022	October 5, 2022

**PLEASE NOTE:**

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following Monday 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 working days in advance of the deadline.

**\*\*Note change of filing deadline\*\***

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

Renewable fuel infrastructure program, 13.1, 13.2(4), 14.2, 16.1 to 16.5  
IAB 7/27/22 **ARC 6426C**

Second Floor Conference Room  
Wallace State Office Bldg.  
Des Moines, Iowa

August 24, 2022  
11 a.m.

Choose Iowa promotional program and value-added agricultural grant program, ch 52  
IAB 7/27/22 **ARC 6433C**

Second Floor Conference Room  
Wallace State Office Bldg.  
Des Moines, Iowa

August 24, 2022  
1 p.m.

**MEDICINE BOARD[653]**

Abortion prerequisites, 13.16  
IAB 8/10/22 **ARC 6461C**

Board Office, Suite H  
400 S.W. 8th St.  
Des Moines, Iowa  
Also via videoconference:  
[us02web.zoom.us/j/88138100043?pwd=WlAyMUxtRjZtQndjenNUQTRpN3Y2UT09](https://us02web.zoom.us/j/88138100043?pwd=WlAyMUxtRjZtQndjenNUQTRpN3Y2UT09)  
Dial by your location: +1 312 626 6799 US  
(Chicago)

August 30, 2022  
1 to 2 p.m.

**PROFESSIONAL LICENSURE DIVISION[645]**

Barbers—licensure, continuing education, independent study, 21.2, 21.16, 24.1  
IAB 8/10/22 **ARC 6459C**

Fifth Floor Conference Room 526  
Lucas State Office Bldg.  
Des Moines, Iowa

August 30, 2022  
9 to 9:30 a.m.

**REVENUE DEPARTMENT[701]**

Permits; filing returns; payments of sales and use taxes, rescind chs 12, 13, 28, 29, 30; amend chs 42, 52, 67, 81, 97, 103, 215; adopt chs 201, 202, 258  
IAB 7/13/22 **ARC 6399C**

Room 1 NW  
Hoover State Office Bldg.  
Des Moines, Iowa

August 11, 2022  
9 to 10 a.m.

Sales, use, and excise tax, amend chs 4, 27, 34, 67 to 70, 81 to 86, 91, 97, 103, 107, 109, 120, 122, 150, 215, 223, 226, 230; adopt chs 210, 212, 216; rescind chs 16, 108, 241  
IAB 7/13/22 **ARC 6400C**

Room 1 NW  
Hoover State Office Bldg.  
Des Moines, Iowa

August 11, 2022  
10 to 11 a.m.

Income tax returns—whole dollars, 8.5(2)“a”  
IAB 8/10/22 **ARC 6448C**

Via video/conference call  
Contact Benjamin Clough  
Email: [ben.clough@iowa.gov](mailto:ben.clough@iowa.gov)

August 31, 2022  
2 to 3 p.m.  
(If requested)

Failure to file penalty, 10.9  
IAB 8/10/22 **ARC 6453C**

Via video/conference call  
Contact Benjamin Clough  
Email: [ben.clough@iowa.gov](mailto:ben.clough@iowa.gov)

August 31, 2022  
1 to 2 p.m.  
(If requested)

Corporate income tax rate adjustments, 51.10  
IAB 8/10/22 **ARC 6451C**

Via video/conference call  
Contact Benjamin Clough  
Email: [ben.clough@iowa.gov](mailto:ben.clough@iowa.gov)

August 31, 2022  
9 to 10 a.m.  
(If requested)

**REVENUE DEPARTMENT[701](cont'd)**

Application of two-tier  
assessment limitation, 71.29  
IAB 7/27/22 **ARC 6429C**

Via video/conference call  
Contact Nick Behlke  
Email: [nick.behlke@iowa.gov](mailto:nick.behlke@iowa.gov)

August 16, 2022  
1 to 2 p.m.  
(If requested)

**SECRETARY OF STATE[721]**

Proposed constitutional  
amendment—right to keep  
and bear arms, 21.200(4)  
IAB 7/13/22 **ARC 6414C**

Room 22  
Iowa Capitol Bldg.  
Des Moines, Iowa

August 12, 2022  
10 a.m. to 12 noon

**TRANSPORTATION DEPARTMENT[761]**

Contested cases, 13.4 to 13.7,  
13.12(3)  
IAB 8/10/22 **ARC 6447C**

Via conference call  
Contact Tracy George  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

September 1, 2022  
1:30 p.m.  
(If requested)

Primary highway access control,  
chs 112, 150  
IAB 7/27/22 **ARC 6434C**

Via conference call  
Contact Tracy George  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

August 18, 2022  
10 a.m.  
(If requested)

Persons with disabilities parking  
permits, amendments to ch 411  
IAB 8/10/22 **ARC 6465C**

Via conference call  
Contact Tracy George  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

September 1, 2022  
9 a.m.  
(If requested)

Driver's licenses for active duty  
military service members and  
veterans, 605.10  
IAB 8/10/22 **ARC 6466C**

Via conference call  
Contact Tracy George  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

September 1, 2022  
10:30 a.m.  
(If requested)

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 SERVICES DEPARTMENT[11]  
 AGING, DEPARTMENT ON[17]  
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]  
   Soil Conservation and Water Quality Division[27]  
 ATTORNEY GENERAL[61]  
 AUDITOR OF STATE[81]  
 BEEF CATTLE PRODUCERS ASSOCIATION, IOWA[101]  
 BLIND, DEPARTMENT FOR THE[111]  
 CAPITAL INVESTMENT BOARD, IOWA[123]  
 CHIEF INFORMATION OFFICER, OFFICE OF THE[129]  
 OMBUDSMAN[141]  
 CIVIL RIGHTS COMMISSION[161]  
 COMMERCE DEPARTMENT[181]  
   Alcoholic Beverages Division[185]  
   Banking Division[187]  
   Credit Union Division[189]  
   Insurance Division[191]  
   Professional Licensing and Regulation Bureau[193]  
     Accountancy Examining Board[193A]  
     Architectural Examining Board[193B]  
     Engineering and Land Surveying Examining Board[193C]  
     Landscape Architectural Examining Board[193D]  
     Real Estate Commission[193E]  
     Real Estate Appraiser Examining Board[193F]  
     Interior Design Examining Board[193G]  
   Utilities Division[199]  
 CORRECTIONS DEPARTMENT[201]  
   Parole Board[205]  
 CULTURAL AFFAIRS DEPARTMENT[221]  
   Arts Division[222]  
   Historical Division[223]  
 EARLY CHILDHOOD IOWA STATE BOARD[249]  
 ECONOMIC DEVELOPMENT AUTHORITY[261]  
   City Development Board[263]  
 IOWA FINANCE AUTHORITY[265]  
 EDUCATION DEPARTMENT[281]  
   Educational Examiners Board[282]  
   College Student Aid Commission[283]  
   Higher Education Loan Authority[284]  
   Iowa Advance Funding Authority[285]  
   Libraries and Information Services Division[286]  
   Public Broadcasting Division[288]  
   School Budget Review Committee[289]  
 EGG COUNCIL, IOWA[301]  
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]  
 EXECUTIVE COUNCIL[361]  
 FAIR BOARD[371]  
 HUMAN RIGHTS DEPARTMENT[421]  
 HUMAN SERVICES DEPARTMENT[441]  
 INSPECTIONS AND APPEALS DEPARTMENT[481]  
   Employment Appeal Board[486]  
   Child Advocacy Board[489]  
   Racing and Gaming Commission[491]  
   State Public Defender[493]  
 IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM[495]

IOWA PUBLIC INFORMATION BOARD[497]  
LAW ENFORCEMENT ACADEMY[501]  
LIVESTOCK HEALTH ADVISORY COUNCIL[521]  
LOTTERY AUTHORITY, IOWA[531]  
MANAGEMENT DEPARTMENT[541]  
    Appeal Board, State[543]  
    City Finance Committee[545]  
    County Finance Committee[547]  
NATURAL RESOURCES DEPARTMENT[561]  
    Energy and Geological Resources Division[565]  
    Environmental Protection Commission[567]  
    Natural Resource Commission[571]  
    Preserves, State Advisory Board for[575]  
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]  
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]  
PUBLIC DEFENSE DEPARTMENT[601]  
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]  
PUBLIC EMPLOYMENT RELATIONS BOARD[621]  
PUBLIC HEALTH DEPARTMENT[641]  
    Professional Licensure Division[645]  
    Dental Board[650]  
    Medicine Board[653]  
    Nursing Board[655]  
    Pharmacy Board[657]  
PUBLIC SAFETY DEPARTMENT[661]  
RECORDS COMMISSION[671]  
REGENTS BOARD[681]  
    Archaeologist[685]  
REVENUE DEPARTMENT[701]  
SECRETARY OF STATE[721]  
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]  
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]  
TRANSPORTATION DEPARTMENT[761]  
TREASURER OF STATE[781]  
TURKEY MARKETING COUNCIL, IOWA[787]  
UNIFORM STATE LAWS COMMISSION[791]  
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]  
VETERINARY MEDICINE BOARD[811]  
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]  
VOTER REGISTRATION COMMISSION[821]  
WORKFORCE DEVELOPMENT DEPARTMENT[871]  
    Labor Services Division[875]  
    Workers' Compensation Division[876]  
    Workforce Development Board and Workforce Development Center Administration Division[877]



## ARC 6443C

**CREDIT UNION DIVISION[189]****Notice of Intended Action****Proposing rule making related to generally accepted accounting principles (GAAP)  
and providing an opportunity for public comment**

The Credit Union Division hereby proposes to amend Chapter 2, “Organization, Chartering and Field of Membership of a Credit Union,” Chapter 9, “Real Estate Lending,” Chapter 15, “Foreign Credit Union Branch Offices,” Chapter 17, “Investment and Deposit Activities for Credit Unions,” and Chapter 18, “Maintenance of Allowance for Loan and Lease Losses Account,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 533.104.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 533.205, 533.301 and 533.303.

*Purpose and Summary*

The proposed amendments to Chapters 2, 9, and 15 are intended to correct minor errors and provide necessary updates. The proposed amendments to Chapters 17 and 18 are intended to mirror federal credit union regulation regarding application of generally accepted accounting principles (GAAP) and provide regulatory relief to credit unions with assets less than \$10 million. The proposed amendments will not require a credit union with less than \$10 million in assets to comply with GAAP and therefore will not require compliance with Current Expected Credit Loss calculations.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 189—Chapter 23.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Division no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Jessica Pollmeier  
Credit Union Division  
200 East Grand Avenue, Suite 370  
Des Moines, Iowa 50309-1827  
Fax: 515.725.0519  
Email: [jessica.pollmeier@iowa.gov](mailto:jessica.pollmeier@iowa.gov)

CREDIT UNION DIVISION[189](cont'd)

*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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend subrule 2.12(2) as follows:

**2.12(2)** *Method of notice of decisions on applications.* The superintendent shall notify the applicants in writing of the decision of approval or denial of any application made under this chapter and shall ~~mail~~ send the decision to the applicants. If an application is denied, the superintendent shall provide the applicants with the reasons for the denial.

ITEM 2. Amend subrule 9.1(3) as follows:

**9.1(3)** Real estate ~~loan~~ loans made for sale into the secondary market shall be considered in transit for a period of up to 90 days after being sold and shall not be considered risk assets for reserving purposes during this time period.

ITEM 3. Amend subrule 15.2(2) as follows:

**15.2(2)** The application may be obtained by writing the Superintendent, Credit Union Division, 200 East Grand Avenue, Suite 370, Des Moines, Iowa 50309; or calling ~~(515)281-6514~~ (515)725-0505.

ITEM 4. Amend subrule 17.4(1) as follows:

**17.4(1)** ~~All state-chartered~~ State-chartered credit unions with assets of \$10 million or greater must comply with generally accepted accounting principles (GAAP) applicable to reports or statements required to be in reports filed with the superintendent and maintained by the credit union. ~~This contrasts with only federal credit unions with assets of \$10 million or greater that must comply with GAAP in reports and statements filed with the NCUA.~~ State-chartered credit unions with assets less than \$10 million may comply with GAAP or other regulatory accounting principles in reports filed with the superintendent and maintained by the credit union.

ITEM 5. Amend rule ~~189~~—**18.1(533)**, definition of “Allowance for loan and lease losses,” as follows:

*“Allowance for loan and lease losses”* means an estimate of loan and lease losses in the entire loan portfolio, including estimated inherent losses, ~~in conformity with generally accepted accounting principles and which meets regulatory requirements for full and fair disclosure of the financial statements.~~ Credit unions with assets of \$10 million or greater must conform with generally accepted accounting principles and meet regulatory requirements for full and fair disclosure of the financial statements. ~~Credit unions with less than \$10 million in assets must conform with these rules and meet regulatory requirements for full and fair disclosure or generally accepted accounting principles.~~

ITEM 6. Amend subrule 18.3(1) as follows:

**18.3(1)** ~~Credit union~~ Credit unions with assets of \$10 million or greater must prepare financial statements ~~shall be prepared~~ in accordance with generally accepted accounting principles (GAAP); except for authorized intentional regulatory accounting practices (RAP) which may differ, and. Credit unions with assets of less than \$10 million may prepare financial statements in accordance with authorized intentional regulatory accounting principles (RAP). All credit union financial statements

CREDIT UNION DIVISION[189](cont'd)

shall provide for the complete and accurate disclosure of all assets, liabilities, and equity, including any valuation allowance accounts as may be necessary to correctly present the financial position; and all income and expenses necessary to correctly present the results of operations for the period concerned.

ITEM 7. Amend subrule 18.4(1) as follows:

**18.4(1)** The amount carried in this account shall represent an amount at least equal to reasonably foreseeable loan and lease losses. Each credit union is required to establish and maintain a methodology to determine the amount needed in the allowance for loan and lease losses account ~~in accordance with generally accepted accounting principles (GAAP).~~ Credit unions with \$10 million or greater in assets must determine allowance for loan and lease losses account in accordance with generally accepted accounting principles (GAAP).

ITEM 8. Amend subrule 18.5(1), introductory paragraph, as follows:

**18.5(1)** Credit unions are responsible for determining an adequate allowance for loan and lease losses account and adopting a reasonable methodology for doing so. Credit unions with assets \$10 million or greater shall follow generally accepted accounting principles (GAAP). In determining the appropriate allowance, each credit union with less than \$10 million in assets shall:

**ARC 6444C**

## **ECONOMIC DEVELOPMENT AUTHORITY[261]**

### **Notice of Intended Action**

#### **Proposing rule making related to sports tourism marketing and infrastructure and providing an opportunity for public comment**

The Enhance Iowa Board hereby proposes to amend Chapter 214, “Enhance Iowa Board,” and Chapter 215, “Sports Tourism Program,” and adopt Chapter 216, “Sports Tourism Program: Infrastructure Fund,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 15F.104.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 15F and 2022 Iowa Acts, House File 2579.

#### *Purpose and Summary*

2022 Iowa Acts, House File 2579, amends Iowa Code sections 15F.401 and 15F.403 relating to the Sports Tourism Program and creates a new Iowa Code section 15.404. The purpose of the program is to provide financial assistance for projects that promote sporting events. The legislation creates a separate fund for sports tourism infrastructure projects and distinguishes this fund from the previously established Sports Tourism Marketing Fund.

The Board proposes to amend Chapters 214 and 215 to reflect the changes made to the Iowa Code and the legislative intent in updating the program. This rule making would also create a new Chapter 216 to implement the infrastructure fund with the requirements established in the legislation.

#### *Fiscal Impact*

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

#### *Jobs Impact*

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

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 213.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Lisa Connell  
Iowa Economic Development Authority  
1963 Bell Avenue, Suite 200  
Des Moines, Iowa 50315  
Phone: 515.348.6163  
Email: [lisa.connell@iowaeda.com](mailto:lisa.connell@iowaeda.com)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend subparagraph **214.2(5)“b”(2)** as follows:

(2) Sports tourism marketing and infrastructure;

ITEM 2. Amend **261—Chapter 215**, title, as follows:

**SPORTS TOURISM PROGRAM: MARKETING FUND**

ITEM 3. Amend rule 261—215.1(15F) as follows:

**261—215.1(15F) Definitions.** When used in this chapter, unless the context otherwise requires:

“*Accredited colleges and universities*” means any college, university, or institution of higher learning that is accredited by the Higher Learning Commission or any other college, university, or institution of higher learning that is accredited by an accrediting agency that is recognized by the U.S. Department of Education.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Bid fees*” means fees paid as part of proposing a location for an event.

“*Board*” means the enhance Iowa board as created in Iowa Code section 15F.102.

“*Convention and visitors bureau*” or “*CVB*” means an organization engaged primarily in the marketing and promotion of a local community or communities to businesses and to leisure travelers interested in the area’s facilities. Such organizations are typically engaged in a wide range of activities including but not limited to assisting businesses and leisure travelers in identifying meeting locations and convention sites; providing maps and other travel information; providing information on local

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

attractions, lodging, and restaurants; and organizing tours of local historical, recreational, and cultural attractions.

“*District*” means a regional sports authority district certified under Iowa Code section 15E.321.

“*Financial assistance*” means assistance provided only from the funds available to the authority or the board and includes assistance in the form of grants, loans, and forgivable loans.

“*Infrastructure*” means ~~equipment, appurtenant structures, or site development that is related to the operation of a sporting event that is the subject of the project~~ land acquisition and construction; major renovations of buildings; and all appurtenant structures, utilities, and site development that are related to the operation of a sporting event.

“*Marketing*” means planning for or implementing efforts to publicize a sporting event using a range of strategies, tools and tactics.

“*Marketing fund*” means the fund established pursuant to Iowa Code section 15F.403 for purposes of financing sports tourism marketing projects.

“*Organization*” means a corporation, conference, association, or other organization which has as one of its primary purposes the sponsoring or administration of extracurricular intercollegiate athletic contests or competitions, or professional sporting events.

“*Professional sporting events*” means any sporting events for which the competing athletes receive payment for their participation in such sporting event.

“*Program*” means the portion of the sports tourism marketing and infrastructure program administered pursuant to this chapter and funded by the marketing fund.

“*Promote*” or “*promotion*” means to undertake specific identifiable actions that encourage greater awareness of and attendance at a sporting event. This includes the planning, organizing, advertising, marketing, managing, hosting, and sponsoring of a sporting event.

“*Public organization*” means a not-for-profit economic development organization or other not-for-profit organization including one that sponsors or supports sporting events.

“*Sporting event*” means an athletic activity requiring skill or physical prowess, usually competitive in nature and governed by a set of rules provided by a nationally recognized sanctioning body. A sporting event typically includes the placing of competitors into a fixed order of finish, depending upon their respective athletic performance within the rules provided for that activity.

“*Sports tourism program review committee*” or “*review committee*” means the committee established by Iowa Code section 15F.402(2) and shall consist of members of the board, with one member from each congressional district under Iowa Code section 15F.102(2)“a” and one member from the state at large under Iowa Code section 15F.102(2)“b.”

ITEM 4. Amend rule 261—215.2(15F) as follows:

**261—215.2(15F) Eligible applicants.** Eligible applicants for ~~sports tourism~~ financial assistance from the marketing fund include cities or counties in the state or public organizations, including convention and visitors bureaus.

ITEM 5. Amend rule 261—215.3(15F), catchwords, as follows:

**261—215.3(15F) Eligible marketing projects.**

ITEM 6. Amend rule 261—215.4(15F), catchwords, as follows:

**261—215.4(15F) Eligible and ineligible marketing expenses.**

ITEM 7. Amend **261—Chapter 215**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 15F.401, ~~and~~ 15F.402, and 15F.403 as amended by 2022 Iowa Acts, House File 2579.

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 8. Adopt the following new 261—Chapter 216:

CHAPTER 216  
SPORTS TOURISM PROGRAM: INFRASTRUCTURE FUND

**261—216.1(15F) Definitions.** When used in this chapter, unless the context otherwise requires:

*“Accredited colleges and universities”* means any college, university, or institution of higher learning that is accredited by the Higher Learning Commission or any other college, university, or institution of higher learning that is accredited by an accrediting agency that is recognized by the U.S. Department of Education.

*“Authority”* means the economic development authority created in Iowa Code section 15.105.

*“Bid fees”* means fees paid as part of proposing a location for an event.

*“Board”* means the enhance Iowa board as created in Iowa Code section 15F.102.

*“Convention and visitors bureau”* or *“CVB”* means an organization engaged primarily in the marketing and promotion of a local community or communities to businesses and to leisure travelers interested in the area’s facilities. Such organizations are typically engaged in a wide range of activities including but not limited to assisting businesses and leisure travelers in identifying meeting locations and convention sites; providing maps and other travel information; providing information on local attractions, lodging, and restaurants; and organizing tours of local historical, recreational, and cultural attractions.

*“District”* means a regional sports authority district certified under Iowa Code section 15E.321.

*“Financial assistance”* means assistance provided only from the funds available to the authority or the board and includes assistance in the form of grants, loans, and forgivable loans.

*“Infrastructure”* means land acquisition and construction; major renovations of buildings; and all appurtenant structures, utilities, and site development that are related to the operation of a sporting event.

*“Infrastructure fund”* means the fund established pursuant to Iowa Code section 15F.404 for purposes of financing sports tourism infrastructure projects.

*“Marketing”* means planning for or implementing efforts to publicize a sporting event using a range of strategies, tools, and tactics.

*“Organization”* means a corporation, conference, association, or other organization which has as one of its primary purposes the sponsoring or administration of extracurricular intercollegiate athletic contests or competitions, or professional sporting events.

*“Professional sporting events”* means any sporting events for which the competing athletes receive payment for their participation in such sporting events.

*“Program”* means the portion of the sports tourism marketing and infrastructure program administered pursuant to this chapter and funded by the infrastructure fund.

*“Promote”* or *“promotion”* means to undertake specific identifiable actions that encourage greater awareness of and attendance at a sporting event. This includes the planning, organizing, advertising, marketing, managing, hosting, and sponsoring of a sporting event.

*“Public organization”* means a not-for-profit economic development organization or other not-for-profit organization including one that sponsors or supports sporting events.

*“Sporting event”* means an athletic activity requiring skill or physical prowess, usually competitive in nature and governed by a set of rules provided by a nationally recognized sanctioning body. A sporting event typically includes the placing of competitors into a fixed order of finish, depending upon their respective athletic performance within the rules provided for that activity.

*“Sports tourism program review committee”* or *“review committee”* means the committee established by Iowa Code section 15F.402(2) and shall consist of members of the board, with one member from each congressional district under Iowa Code section 15F.102(2) “a” and one member from the state at large under Iowa Code section 15F.102(2) “b.”

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

**261—216.2(15F) Eligible applicants.** Eligible applicants for financial assistance from the infrastructure fund include cities and counties in the state and public entities that are a convention and visitors bureau or a district.

**261—216.3(15F) Eligible infrastructure projects.** Eligible projects must actively and directly support sporting events for accredited colleges and universities, professional sporting events, and other sporting events in the area served by an eligible applicant as defined in rule 261—216.2(15F). Only projects that support sporting events occurring in Iowa are eligible for assistance.

**216.3(1)** An eligible applicant may apply for and receive financial assistance for more than one project. The board may require additional information to substantiate the financial need for awarding more than one project in any fiscal year.

**216.3(2)** An eligible applicant may apply for financial assistance for a project that spans two fiscal years. If financial assistance is approved for two fiscal years, financial assistance will only be provided for the second fiscal year if all applicable contractual requirements are met. When considering whether to award financial assistance for two fiscal years, the board shall evaluate metrics including the amount of revenue generated by ticket sales, the estimated economic impact, and the number of overnight stays at hotels in the city or county where the sporting event is being held. For example, economic impact may be calculated as total estimated attendance multiplied by daily attendee spending multiplied by average length of stay. If an eligible applicant wishes to supply an alternative formula for calculating economic impact, the applicant must supply a credible source for using an alternative formula. The authority may include such metrics and estimates in a program agreement executed pursuant to Iowa Code section 15F.401.

**216.3(3)** A convention and visitors bureau shall not in the same fiscal year receive financial assistance under the program created in this chapter and financial assistance as part of a district created pursuant to 261—Chapter 38.

**216.3(4)** An eligible applicant shall demonstrate the availability of matching funds for financing the sports tourism infrastructure project in the form of a private and public partnership with financing from city, county, and private sources in order to receive financial assistance pursuant to this rule. The amount of matching funds that may be required shall be at the board's discretion. An applicant under the program shall not receive financial assistance in an amount exceeding 50 percent of the total cost of the project.

**216.3(5)** A city, county, or public organization may use financial assistance received under the program for infrastructure that actively and directly supports a sporting event. Whether an activity or individual cost item is related to the sporting event shall be within the discretion of the authority.

**216.3(6)** A city, county, or public organization shall not use financial assistance received under the program as reimbursement for completed projects or for costs incurred prior to approval of financial assistance.

**216.3(7)** Financial assistance shall be provided for sports tourism infrastructure projects that draw a national and international audience and attract a significant number of visitors from outside the state. Factors the authority will consider in determining whether a project is qualified under this subrule include, but are not limited to, whether the likelihood of a national or international audience is validated by any available data about the anticipated audiences for the event, whether the event is nationally or internationally televised, and projected visitor information or visitor information for similar events held in the state.

**216.3(8)** Financial assistance shall not be provided for sports tourism infrastructure projects located in reinvestment districts as defined and approved by the authority pursuant to Iowa Code section 15J.4 or to applicants that have received a rebate of sales tax imposed and collected by retailers pursuant to Iowa Code section 423.4(5).

**261—216.4(15F) Eligible and ineligible infrastructure expenses.**

**216.4(1) Eligible expenses.** Examples of eligible expenses include, but are not limited to:

- a. Land acquisition;
- b. Construction;

## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

- c. Major renovation of buildings;
- d. Site development;
- e. Permanent or temporary structures; and
- f. Purchase or long-term lease of equipment.

**216.4(2) Ineligible expenses.** Expenses that are not directly related to sporting events or are not considered infrastructure will be ineligible for reimbursement under the program. Examples of ineligible expenses include, but are not limited to:

- a. Bid fees, rights fees, solicitation efforts, or lobbying fees;
- b. Travel costs or salaries of applicant staff;
- c. Expenses eligible for financial assistance from the sports tourism marketing fund pursuant to 261—subrule 215.4(1) or other costs associated with marketing or promotion;
- d. Ongoing operational costs not specifically related to sporting events; and
- e. Other costs that the board determines to be ineligible.

**261—216.5(15F) Threshold application requirements.** To be considered for funding under the program, an application must meet the following threshold application requirements:

**216.5(1)** There must be demonstrated local support for the proposed activity.

**216.5(2)** The application must contain a detailed description of the project, outlining the sporting event(s) and the infrastructure expenses necessary to support it.

**216.5(3)** The proposed project budget must be spent on infrastructure that actively and directly supports the sporting event(s).

**216.5(4)** The application must contain detailed information and projections sufficient to enable the authority to accurately assess the economic impact of the sporting event(s) described in the application. Such information shall include the estimated number of spectators and estimated quality and quantity of advertising and media coverage the sporting event(s) will generate. If the applicant has previously held substantially similar events, the information shall include actual attendance figures from past events and a summary of the advertising and media coverage generated.

**261—216.6(15F) Application process.**

**216.6(1)** Applications for assistance under the program shall be submitted to the authority. For those applications that meet the threshold application requirements and the eligibility criteria, the authority shall forward the applications to the board and provide a staff review analysis and evaluation to the sports tourism program review committee and to the board.

**216.6(2)** When reviewing the applications, the review committee and the authority shall consider, at a minimum, all of the following:

- a. Impact of the project on the local, regional, and state economies.
- b. Amount of positive advertising or media coverage the project generates in national and international markets.
- c. Quality, size, and scope of the project.
- d. The extent to which the project would generate additional recreational and cultural attractions or tourism opportunities.
- e. The extent to which the sporting event to be supported by the infrastructure project is unique, innovative, or diverse.

**216.6(3)** Upon review of the recommendations of the review committee, the board shall make final funding decisions on each application. The board may approve, defer, deny, or modify applications for financial assistance under the program, in its discretion, in order to fund as many projects with the moneys available as possible. The board and the authority may negotiate with applicants regarding the details of projects and the amount and terms of any award. In making final funding decisions pursuant to this subrule, the board and the authority are exempt from Iowa Code chapter 17A.

**261—216.7(15F) Administration.**

**216.7(1) Administration of awards.**



## ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

*a.* Each applicant receiving an award of financial assistance from the board shall enter into an agreement with the authority. The agreement shall contain such terms and conditions as the board may place on the award or the authority may deem necessary for the efficient administration of the program established in this chapter. The agreement will also include the terms and conditions under which financial assistance must be repaid or penalties incurred in the event the applicant does not fulfill all obligations under the agreement.

*b.* These rules and applicable state laws shall be part of the agreement.

*c.* The applicant must execute and return the contract to the board within 90 days of the transmittal of the final contract from the board. Failure to do so may be cause for the board to terminate the award.

*d.* Financial assistance shall not be provided until all financing for the sports tourism infrastructure project is secured and documented to the satisfaction of the authority.

*e.* Awards may be conditioned upon authority receipt and board approval of an implementation plan for the funded project.

**216.7(2) Reports.** An applicant receiving financial assistance shall provide an annual report to the authority for years in which the applicant receives financial assistance under this rule. The report shall include the information the authority deems relevant. The report shall be submitted in the manner and on forms prescribed by the authority. The authority may perform any reviews or site visits necessary to ensure performance by the applicant.

**216.7(3) Requests for funds.** Recipients shall submit requests for funds in the manner and on forms prescribed by the authority. Individual requests for funds shall be made in an amount equal to or greater than \$500 per request, except for the final draw of funds.

**216.7(4) Record keeping and retention.** The recipient shall retain all financial records, supporting documents, and other records pertinent to the sports tourism award for three years after contract closeout. Representatives of the authority shall have access to all recipient records that pertain to sports tourism funds.

**216.7(5) Amendments to contracts.** Any substantive change to a contract shall be considered an amendment. Substantive changes include time extensions, budget revisions, and significant alterations of the funded project that change the scope, location, objectives, or scale of the approved project. Amendments must be approved by the board. The authority may execute nonsubstantive or ministerial changes to the contract without board approval.

**216.7(6) Project closeout.** Upon expiration of the agreement, the authority shall initiate project closeout procedures.

**216.7(7) Compliance.** If the board finds that an applicant is not in compliance with the requirements of this program or the terms and conditions of the agreement, the board may find the applicant noncompliant. Remedies for noncompliance may include penalties up to and including the return of program funds to the board. Reasons for a finding of noncompliance include but are not limited to the applicant's use of funds for activities not described in the contract, the applicant's failure to complete funded projects in a timely manner, the applicant's failure to comply with applicable state or local rules, or the lack of a continuing capacity of the applicant to carry out the approved project in a timely manner.

These rules are intended to implement Iowa Code sections 15F.401, 15F.402, and 15F.404 and 2022 Iowa Acts, House File 2579.

**ARC 6458C**

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to PROMISE JOBS program  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 93, "PROMISE JOBS Program," Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 239B.4 and 239B.17.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 239B.4 and 239B.17.

*Purpose and Summary*

Chapter 93 is proposed to be amended as part of the Department's five-year rules review. This proposed rule making clarifies language, accurately reflects the job readiness and job search activities and updates case retention rules in the PROMISE JOBS program. These changes are technical in nature and will not have an impact on caseloads or program costs.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

*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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

## HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 1. Amend rule **441—93.1(239B)**, definitions of “FaDSS” and “Limited benefit plan,” as follows:

“*FaDSS*” means the family development and self-sufficiency program operated under 441—Chapter 165, which provides in-home family development services to families at risk of instability or long-term welfare FIP dependency.

“*Limited benefit plan*” or “*LBP*” means a period of time in which a participant or member of a participant’s family is either ineligible for any assistance under the family investment program or eligible for reduced assistance ~~only~~ in accordance with Iowa Code section 239B.9.

ITEM 2. Amend subrule 93.2(2) as follows:

**93.2(2) *Contracts with provider agencies.*** The department of human services may contract with the department of workforce development, the department of economic development, or other appropriate entity to provide PROMISE JOBS services and case management of those services.

a. No change.

b. *Record keeping.* All PROMISE JOBS agencies shall maintain PROMISE JOBS participant case files and records for at least ~~three~~ five years after FIP cancellation, in either paper or electronic format. Records shall be maintained for longer than ~~three~~ five years if any litigation, audit, or claim is started and not resolved during that period. In these instances, the records must be retained for ~~three~~ five years after the litigation, audit, or claim is resolved. Case files must be disposed of in accordance with applicable federal requirements pertaining to confidentiality.

c. *Confidentiality.* The departments of ~~education,~~ workforce development, ~~economic development,~~ and human rights, ~~local education agencies,~~ and all subcontractor provider agencies shall safeguard participant information in conformance with Iowa Code section 217.30. The department of human services and the PROMISE JOBS provider agencies may disclose participant information to other state agencies or to any other entity when that agency or entity must have that information in order to provide services to PROMISE JOBS participants that have been determined to be necessary for successful participation in PROMISE JOBS, if approved by the director of the department of human services or the director’s designee, pursuant to a written request.

ITEM 3. Amend subrule 93.3(3) as follows:

**93.3(3) *Initial appointment.***

a. *FIP applicants.* FIP applicants, including those who are in a limited benefit plan, shall be offered an appointment with the PROMISE JOBS provider agency for orientation, assessment, and FIA development at the earliest available time. The provider agency shall make sufficient appointment times available to allow the applicant to be scheduled no later than ten calendar days after the date of the notice that FIA responsibility has begun, as required by rule 441—93.4(239B) and 441—paragraphs 41.24(1)“c,”41.24(1)“d,” and 41.24(10)“g.”

b. *Exempt status change.* Persons who become FIA-responsible while receiving FIP shall initiate PROMISE JOBS orientation and FIA development by contacting the appropriate PROMISE JOBS office to schedule an appointment within ten calendar days of the mailing date of the letter explaining that exempt status has been lost and FIA responsibility has begun, as required by 441—subrule 41.24(5). If the person fails to schedule an appointment or fails to appear for an appointment, PROMISE JOBS shall send one written reminder letter that informs the person that those who do not develop a family investment agreement shall enter into a limited benefit plan. If the person fails to schedule an appointment within ten calendar days of the written reminder letter or fails to appear for an appointment scheduled after the written reminder letter is sent, the person shall enter into a limited benefit plan as described at 441—paragraph 41.24(8)“c.”

ITEM 4. Amend subrule 93.3(4) as follows:

**93.3(4) *Orientation.*** Every person referred to PROMISE JOBS shall receive orientation services. PROMISE JOBS workers shall provide FIA orientation ~~if not previously provided by the department of human services.~~

a. No change.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

*b.* Each applicant shall ~~sign~~ receive Form 470-3104, ~~Your FIA Rights and Responsibilities, acknowledging confirming~~ that information described in paragraph “*a*” of this subrule 93.3(4) “*a*” has been provided.

ITEM 5. Amend subrule 93.3(6) as follows:

**93.3(6) Workforce development registration.** Each applicant is required to ~~complete a current workforce development registration form as described at 877—subrule 8.2(3) when requested register~~ for work with the department of workforce development, upon request by the PROMISE JOBS worker.

ITEM 6. Amend paragraph **93.4(2)“*a*”** as follows:

*a. Parents.* All parents who are not exempt from PROMISE JOBS shall be responsible for signing and carrying out the activities of the FIA. Parents of any age are exempt only if they are receiving Supplemental Security Income (SSI) or they ~~do not meet citizenship requirements~~ are not U.S. citizens and are not qualified aliens as defined in rule 441—40.21(239B). When the FIP eligible group includes a minor parent living with one or both parents or a needy specified relative who receives FIP, as described at 441—subparagraph 41.28(2) “*b*”(2), and none is exempt from PROMISE JOBS participation, each parent or needy specified relative is responsible for a separate FIA.

ITEM 7. Amend subparagraph **93.4(4)“*a*”(2)** as follows:

(2) The program goal for all participants is to be involved in PROMISE JOBS activities on a full-time basis unless problems or barriers prohibit this level of involvement. “Full-time” is considered as an average of at least 30 hours per week. Exceptions to full-time involvement are identified in rule 441—93.14(239B) and subrule 93.4(5).

ITEM 8. Amend subparagraphs **93.4(4)“*b*”(3)** and **(4)** as follows:

(3) Job readiness and job search activities, including job ~~club~~ readiness skills training and other activities that prepare a participant to search for or obtain employment, individual and structured job search, workplace essentials training unplanned job opportunities, mental health treatment, substance abuse treatment, or other rehabilitative activities, as described in rule 441—93.6(239B).

(4) Work activities, including part-time or full-time employment, self-employment, on-the-job training, work experience placement, or unpaid community service as described in rule 441—93.7(239B).

ITEM 9. Renumber subparagraph **93.4(4)“*b*”(9)** as **93.4(4)“*b*”(10)**.

ITEM 10. Adopt the following new subparagraph **93.4(4)“*b*”(9)**:

(9) Family violence option as described in subparagraph 93.4(5) “*b*”(4).

ITEM 11. Amend subparagraph **93.4(4)“*c*”(4)** as follows:

(4) ~~Unmarried parents aged 17 and younger~~ Parents under the age of 18 who are not married and who do not live with a parent or legal guardian shall include FaDSS, as described at 441—Chapter 165, or other family development services, as described in subrule 93.9(2), in the FIA. The FaDSS or other family development services shall continue after the parent reaches the age of 18 only when the participant and the family development worker believe that the services are needed for the family to reach self-sufficiency.

ITEM 12. Amend subparagraph **93.4(5)“*a*”(4)** as follows:

(4) ~~Sexual or~~ Victim of domestic abuse history violence or sexual abuse.

ITEM 13. Adopt the following new subparagraphs **93.4(5)“*b*”(4)** and **(5)**:

(4) Victims of domestic violence may include in their FIA the family violence option, which is a safety plan to address or attempt to prevent domestic violence. The family violence option may allow for a temporary waiver from participation in PROMISE JOBS activities when appropriate for the participant or participant’s situation.

(5) The PROMISE JOBS worker shall review the need for inclusion of a barrier to participation in the FIA at least once every six months to determine if the barrier continues to exist.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 14. Amend paragraph **93.4(8)“b”** as follows:

*b.* Participants who choose not to cooperate in the renegotiation process when requested by PROMISE JOBS shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 15. Amend subrules 93.5(8) and 93.5(9) as follows:

**93.5(8) Supportive payments allowed.** Except for assessment activities that occur on the same day as orientation, persons participating in assessment activities are eligible for child care assistance and transportation payments for transportation and child care needed to allow the scheduled participation as described at rule 441—93.11(239B). When make-up sessions are required, the participant shall not receive an additional transportation payment, but necessary child care assistance shall be paid.

**93.5(9) Failure to complete assessment.** Participants who do not complete assessments that are written into their FIA shall be considered to have chosen the limited benefit plan unless they have good cause. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 16. Amend rule 441—93.6(239B) as follows:

**441—93.6(239B) Job readiness and job search activities.** Job readiness and job search activities include ~~job club~~, readiness skills training and other activities that prepare a participant to search for or obtain employment, individual and structured job search, workplace essentials training unplanned job opportunities, substance abuse treatment, mental health treatment, and other rehabilitation activities. The participant and the PROMISE JOBS worker shall incorporate into the FIA the job readiness and job search activities that are appropriate for the goals, work history, skill level, and life circumstances of the participant.

**93.6(1) Job ~~club~~ readiness.** Job ~~club~~ readiness prepares participants to search for ~~work~~ or obtain employment. Job ~~club~~ readiness consists of job readiness skills training in job-seeking skills and structured job search other activities completed outside of a training session that prepare a participant to search for or obtain employment.

*a. Delivery of ~~services~~ job readiness skills training.* Job ~~club~~ readiness skills training is provided over a consecutive three week period. Each week consists in scheduled sessions consisting of up to 30 hours of structured activity per week.

(1) ~~Generally, the first week of job club consists of job-seeking skills training and the next two weeks consist of structured group job search.~~

(2) ~~Based on local office need and resources, the 30 hours of job-seeking skills training may be completed over the first two weeks when the hours not spent in job-seeking skills training are spent in structured job search. The total time spent in each of the two weeks must meet the 30-hour requirement. The third week of job club is 30 hours of structured group job search.~~

*b. Job-seeking Job readiness skills training.* ~~Job-seeking~~ Job readiness skills training may include but is not limited to:

- (1) ~~Résumé development~~ Interests and skills assessment;
- (2) ~~Writing application and follow-up letters~~ Self-esteem building and motivational exercises;
- (3) ~~Completing job applications and interest and skills assessments~~ Identifying and eliminating employment barriers;
- (4) ~~Job retention skills~~ Résumé development;
- (5) ~~Motivational exercises~~ Completing job applications and follow-up letters;
- (6) ~~Identifying and eliminating employment barriers~~ Obtaining interviews and telephone skills;
- (7) ~~Self-marketing~~ Interviewing skills development;
- (8) ~~Finding job leads~~ Goal attainment planning;
- (9) ~~Obtaining interviews~~ Soft skills and life skills;
- (10) ~~Use of telephones for job-seeking~~ Job market trends and finding job leads;
- (11) ~~Interviewing skills~~ Self-marketing and positive attitude building; and
- (12) ~~Financial education~~ Job retention skills.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

*c. Structured job search Other job readiness activities.* ~~A written plan shall be developed with each participant using Form 470-4481, Job Search Plan Agreement, indicating the number of job search hours required depending on family circumstances and other component activities listed on the participant's FIA. Structured job search includes daily reporting to the job search site to access resources for job leads. Job readiness may include activities that prepare the participant to search for or obtain employment and are completed outside of a training session. This includes activities such as but not limited to working individually with Iowa workforce development (IWD), bureau of refugee services (BRS), or FaDSS staff to develop a résumé, improve interview skills, or identify any of the other skills listed in paragraph 93.6(1) "b."~~

*d. Attendance.*

~~(1) Daily attendance~~ Attendance is required during both the job-seeking when a participant is scheduled for job readiness skills training and structured job search or other job readiness activities unless the participant has good cause as described at rule 441—93.14(239B) or a barrier as described at subrule 93.4(5). Participants who miss any portion of the job-seeking job readiness skills training or structured job search may be required to either make up the missed portion of the sessions or to retake the entire week of training based on practical worker judgment and participant need.

~~(1) (2)~~ Participants who obtain employment are required to continue the job-seeking job readiness skills training unless the scheduled job club training hours conflict with the scheduled hours of employment.

~~(2)~~ Participants who obtain employment averaging 30 hours or more per week may discontinue the structured job search portion of job club.

~~(3)~~ Participants who obtain employment averaging 20 hours per week or more but less than 30 hours per week may discontinue the structured job search portion of job club if part-time employment was the FIA goal or the scheduled job club hours conflict with the scheduled hours of employment. The participant may be required to participate in other FIA activities during the hours that do not conflict with work hours.

~~(4)~~ Participants who obtain employment averaging less than 20 hours per week shall continue the structured job search portion of job club unless the scheduled job club hours conflict with the scheduled hours of employment. The participant may be required to participate in other FIA activities during the hours that do not conflict with work hours.

*e. Supportive payments allowed.* Child care assistance and transportation payments shall be provided as described at rule 441—93.11(239B) when needed to participate in job club readiness skills training or other job readiness activities. The transportation payment shall be paid in full at before the start first scheduled day of participation.

(1) Participants who must repeat the job-seeking or make up any portion of job readiness skills training or structured job search because of absence due to reasons as described at rule 441—93.14(239B) shall receive an additional transportation payment as described at subrule 93.11(3) for each day that must be repeated and a child care payment for needed child care assistance. This rule applies only when the participant will have transportation costs that exceed the participant's original payment because of repeating or making up a portion of job club readiness skills training.

(2) Participants who must repeat job-seeking or make up any portion of job readiness skills training or structured job search as a result of absences due to reasons other than those described at rule 441—93.14(239B) shall not receive an additional transportation payment.

*f. Documenting job club readiness skills training or other job readiness participation.* ~~Participants shall provide documentation of job search activities~~ Hours of participation in job readiness skills training or other job readiness activities shall be documented as described at subrule 93.10(2).

*g. Failure to participate in job club readiness skills training activities.* Participants who without good cause do not appear for scheduled job club readiness skills training activities or who fail to complete or document and submit job search contacts according to their written plan as stated in the FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

**93.6(2) Individual job search.** Individual job search shall be available to all participants, particularly those who have recent ties with the workforce, have successfully removed or reduced barriers to work, ~~or have completed job club or readiness skills training, or have completed education or training activities~~ and are now ready to work. Participants are not required to participate in individual job search full-time. Individual job search may be combined with other FIA activities to reach full-time equivalency. Hours of participation in individual job search shall be determined according to the participant's individual circumstances and be at a level that will reasonably allow the participant to successfully find full-time employment. If after three calendar months the participant still has not found employment, the worker shall review the participant's situation for possible barriers to employment or possible need for training to increase the participant's employability. Job search may continue if appropriate, but linking with other activities should be considered.

*a. Job search plan.* In consultation with the PROMISE JOBS worker, the participant shall design and provide a written plan of the individual job search activities on Form 470-4481, ~~Job Search Plan Agreement.~~ The plan shall:

(1) to (4) No change.

(5) Be signed by the participant and the PROMISE JOBS advisor.

*b. Supportive payments allowed.* Child care assistance and transportation payments shall be provided as described at rule 441—93.11(239B) when needed for participation in individual job search. The transportation payment shall be paid in full at prior to the start of each designated period of the individual job search. Transportation payments for any missed days of job search activity shall be subject to transportation overpayment policies as described at subrule 93.11(3).

*c.* No change.

*d. Failure to participate in individual job search.* Participants who without good cause do not ~~complete~~ participate in the steps of the ~~written plan of the individual job search plan~~ described at paragraph 93.6(2) "a" shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

**93.6(3) Unplanned job opportunity.** PROMISE JOBS participants who have an unplanned opportunity to interview or apply for a job shall be encouraged to take advantage of the opportunity.

*a. Supportive payments allowed.* Child care assistance and transportation payments needed to make an unplanned job contact shall be provided as described at rule 441—93.11(239B) when the following conditions are met:

(1) and (2) No change.

(3) The participant provides documentation as described in paragraph ~~"b"~~ "b" of this subrule. 93.6(3) "b." Payment shall be issued after documentation is received.

*b. and c.* No change.

**93.6(4) Workplace essentials Structured job search.** ~~The workplace essentials component consists of soft skills and life skills training.~~ Structured job search is designed with scheduled activities and required hours of participation to reflect proven job search techniques and the employment environment of the PROMISE JOBS service area. A PROMISE JOBS advisor is available to monitor the participant's progress in the participant's job search and to provide assistance and support. Structured job search provides up to 30 hours of scheduled activity. Hours of participation in structured job search shall be determined according to the participant's individual circumstance and may be full-time or at a level that will reasonably allow the participant to successfully find full-time employment.

*a. Delivery of services Attendance.* ~~Workplace essentials training is one 30-hour week in duration. Based on local office need and resources, the 30 hours may be completed over a two-week period. For the remainder of the 30 participation hours required in each week, participants must engage in other PROMISE JOBS activities.~~ Participants are scheduled to appear daily at the PROMISE JOBS site to access resources for job leads. Participants who miss any portion of scheduled structured job search may be required to either make up the missed portion of the session or to retake the entire week of training based on practical worker judgment and participant need.

(1) Participants who obtain employment averaging 30 hours or more per week may discontinue structured job search.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

(2) Participants who obtain employment averaging 20 hours or more per week, but less than 30 hours per week, may discontinue structured job search if part-time employment was the FIA goal or the scheduled job search hours conflict with the scheduled hours of employment. The participant may be required to participate in other FIA activities during the hours that do not conflict with employment hours.

(3) Participants who obtain employment averaging less than 20 hours per week shall continue structured job search unless the scheduled job search hours conflict with the scheduled hours of employment. The participant may be required to participate in other FIA activities during the hours that do not conflict with employment hours.

b. *Content.* Workplace essentials training may include but is not limited to:

- (1) Identifying and setting goals.
- (2) Self-esteem building.
- (3) Emotional awareness.
- (4) Relationship management.
- (5) Conflict resolution skills.
- (6) Problem-solving skills.
- (7) Decision-making skills.
- (8) Time management skills.
- (9) Team building skills.
- (10) Networking skills.
- (11) Listening skills.
- (12) Positive thinking.
- (13) Priority setting.
- (14) Appropriate workplace behaviors.
- (15) Cultural sensitivity.
- (16) Workplace expectations.
- (17) Stress management.

b. *Job search plan.* PROMISE JOBS and the participant shall develop a written job search plan using Form 470-4481 at the beginning of the structured job search period. The plan shall:

- (1) Contain a designated period for job search and the specific methods for finding job openings.
- (2) Specify the number of hours to be committed for the designated period so as to provide the most effective use of transportation funds.
- (3) Specify the due date for providing documentation of job search activities.
- (4) Contain information as specific as possible about areas of employment interests, employers to be contacted, and other pertinent factors.
- (5) Be signed by the participant and the PROMISE JOBS advisor.

c. *Supportive payments allowed.* Child care assistance and transportation payments shall be provided as described at rule 441—93.11(239B) when needed to participate in ~~workplace essentials~~ structured job search.

d. *Documenting participation.* The PROMISE JOBS worker shall verify and document each participant's monthly hours of actual participation in ~~workplace essentials~~ structured job search. Participant documentation shall be provided as described at subrule 93.10(2).

e. *Failure to participate in ~~workplace essentials~~ structured job search.* Participants who without good cause do not complete ~~workplace essentials~~ structured job search as identified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

**93.6(5)** *Substance abuse treatment, mental health treatment, and other rehabilitative activities.* Substance abuse or mental health treatment or other rehabilitative activities are available when needed for a participant to be successful in participating in other FIA activities.

a. No change.

b. *Supportive payments allowed.* ~~Transportation and child~~ Child care assistance and transportation payments shall be provided as described at rule 441—93.11(239B) ~~are available for participating when~~



## HUMAN SERVICES DEPARTMENT[441](cont'd)

needed to participate in substance abuse treatment, mental health treatment, or other rehabilitative activities ~~when specified in the FIA.~~

c. No change.

d. *Failure to participate in treatment or other rehabilitative activities.* Participants who without good cause do not participate in substance abuse treatment, mental health treatment, or other rehabilitative activities as specified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 17. Amend subrule 93.7(1) as follows:

**93.7(1) Full-time or part-time employment.** FIAs may include full-time employment or part-time employment. Employment that does not lead to economic self-sufficiency may be included in the FIA only if the employment situation leads to better employment opportunities through building work skills and work history. See subrule 93.7(2) for additional policies applicable to self-employment.

a. *Full-time employment.* The goal for all participants is to participate in full-time employment. “Full-time employment” is defined as being employed an average of 30 or more hours per week.

(1) No change.

(2) Persons who choose not to enter into the renegotiation process to extend the FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

b. No change.

c. *Supportive payments allowed.* Transportation expenses are not paid through PROMISE JOBS but are covered by FIP earned income deductions. Child care ~~payments~~ assistance shall be provided ~~when needed~~ as described at rule 441—93.11(239B) when needed for employment.

d. No change.

e. *Failure to provide verification.* Failure to provide verification of work hours after receiving a written reminder letter will result in a limited benefit plan.

f. *Failure to maintain employment.* A participant who without good cause does not maintain employment as identified in the FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 18. Amend paragraph **93.7(2)“d”** as follows:

d. *Requiring other FIA activities.* When a participant has been self-employed for more than 12 months and has not shown progress toward self-sufficiency, the FIA shall include the part-time self-employment in combination with participation in other PROMISE JOBS activities, unless barriers to participation exist as ~~described~~ defined in subrule 93.4(5) and rule 441—93.14(239B).

(1) No change.

(2) When the determination that a participant has not shown progress toward self-sufficiency is made after the initial FIA is developed, the FIA shall be renegotiated to include the other PROMISE JOBS activities. Participants who choose not to enter into the FIA renegotiation process shall enter into a limited benefit plan as described in 441—subrule 41.24(8). Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 19. Amend paragraph **93.7(2)“e”** as follows:

e. *Supportive payments allowed.* Transportation expenses are not paid through PROMISE JOBS but are covered by FIP earned income deductions. Child care ~~payments~~ assistance shall be provided ~~when needed~~ as described at subrule 93.11(2) when needed for participation in self-employment.

ITEM 20. Amend paragraph **93.7(2)“g”** as follows:

g. *Failure to maintain employment.* Participants who without good cause do not maintain employment as identified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 21. Amend paragraph **93.7(3)“b”** as follows:

b. *Supportive payments.* Transportation for on-the-job training is treated in the same manner as transportation for employment. Expenses are not paid through PROMISE JOBS but are covered by FIP

## HUMAN SERVICES DEPARTMENT[441](cont'd)

earned income deductions. Child care ~~payments~~ assistance shall be provided ~~when needed~~ as described at subrule 93.11(2) when needed for participation in on-the-job training.

ITEM 22. Amend paragraph **93.7(3)“d”** as follows:

*d. Failure to participate in on-the-job training.* Participants who without good cause do not participate in on-the-job training as identified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 23. Amend paragraph **93.7(4)“d”** as follows:

*d. Hours of participation.* When a participant is involved in work experience that is subject to the Fair Labor Standards Act (FLSA), the participant cannot be required to work more hours than the amount of the monthly FIP grant divided by federal or state minimum wage, whichever is higher. EXCEPTION: To determine the maximum hours that can be required of a single-parent family on FIP with a child under the age of six, add the value of the family’s ~~food assistance~~ Supplemental Nutrition Assistance Program (SNAP) benefits to the FIP grant amount before dividing by the minimum wage.

(1) A participant cannot be required to work more hours than those calculated under paragraph ~~“d” of this subrule.~~ 93.7(4)“d.” Only hours up to or less than that calculation can be included in the participant’s FIA.

(2) If two or more members of the same household participate in work experience, the total required hours of participation of the household cannot exceed the hours calculated according to paragraph ~~“d” of this subrule.~~ 93.7(4)“d.”

(3) No change.

ITEM 24. Amend subparagraph **93.7(4)“f”(1)** as follows:

(1) Child care and transportation. ~~Participants assigned to work experience shall receive a child Child care payment, if required, and a transportation payment for each month or part thereof as described at subrules 93.11(2) and 93.11(3). The portion of the transportation payment for job-seeking activities shall be determined by including the day of the job search obligation in the normally scheduled days used in the formulas described at subrule 93.11(3) assistance and transportation payments shall be provided as described at rule 441—93.11(239B) when needed for participation in work experience.~~

ITEM 25. Amend paragraph **93.7(4)“i”** as follows:

*i. Failure to participate in work experience.* A participant who without good cause does not participate in work experience as identified in the FIA shall be considered to have chosen the limited benefit plan. Procedures at rule subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 26. Amend subparagraph **93.7(5)“c”(1)** as follows:

(1) For a participant who is a single parent with a child under the age of six, the maximum hours that can be required are determined by adding the value of the participant’s ~~food assistance~~ SNAP to the FIP grant amount before dividing by the minimum wage.

ITEM 27. Amend paragraph **93.7(5)“e”** as follows:

*e. Supportive payments.* ~~A child Child care payment assistance and a transportation payment for each month of participation or part thereof shall be paid as described at rule 441—93.11(239B) if these services are required when needed for participation in unpaid community service.~~

ITEM 28. Amend paragraph **93.7(5)“g”** as follows:

*g. Failure to complete unpaid community service.* Participants who without good cause do not participate in unpaid community service as specified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at rule subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 29. Amend subrule 93.8(1), introductory paragraph, as follows:

**93.8(1) Participant requirements.** The decision to include education in an FIA shall take into account the results of the educational evaluation pursuant to paragraph ~~“b” of this subrule~~ 93.8(1)“b” and the

## HUMAN SERVICES DEPARTMENT[441](cont'd)

current educational level of the participant. Prior academic or vocational training is not, in itself, a reason for denial or approval of educational services. All family members who are approved for education shall be eligible for all program benefits, even when two or more family members are simultaneously participating and even if participation is at the same educational facility and in the same program. For education to be approved for inclusion in an FIA, the following requirements shall be met.

ITEM 30. Amend paragraph **93.8(1)“b,”** introductory paragraph, as follows:

*b. ~~Evaluation~~ Educational evaluation. An educational evaluation shall be completed according to subrule 93.5(3) before postsecondary education is included as an FIA activity. A participant under the age of 19 does not need to complete an educational evaluation in order to have high school completion included in the FIA. ~~For every other training activity, an educational evaluation shall be completed according to this paragraph before the activity is included as part of a participant’s FIA.~~*

ITEM 31. Amend paragraph **93.8(2)“b”** as follows:

*b. Time and attendance.* The provider must verify the participant’s actual hours attending of attendance in an educational activity must be verified with Form 470-2617 pursuant to subrule 93.10(2). If the educational activity is structured in such a way that verification cannot be obtained or the educational provider is unwilling to provide time and attendance verification, the educational activity cannot be included in the participant’s FIA. Exceptions apply for distance learning as described at paragraph 93.10(2) “f” and for participants under age 20 as described at subparagraph 93.10(2) “b”(3).

ITEM 32. Amend paragraph **93.8(3)“f”** as follows:

*f. ~~On-line~~ Online or distance learning.* Distance learning includes training such as, but not limited to, that conducted over the Iowa communications network, ~~on-line~~ online courses, virtual courses, or Web conferencing. The training:

- (1) Must include interaction between the instructor and the student, such as required chats or message boards;
- (2) Must include mechanisms for evaluation and measurement of student achievement; and
- (3) Must be offered in Iowa unless the conditions in paragraph ~~“g” of this subrule~~ 93.8(3) “g” apply. An ~~on-line~~ online training program shall be considered an out-of-state training program when any of the required training or testing occurs out-of-state.

ITEM 33. Amend subrule 93.8(4), introductory paragraph, as follows:

**93.8(4) Nonapprovable training activities.** Nonapprovable training activities shall not be included in the FIA. When an activity in which the participant is enrolled becomes nonapprovable, PROMISE JOBS shall cancel the current training plan and require the participant to renegotiate the FIA to include other activities. Form 470-0602, ~~Notice of Decision: Services~~, shall be issued to inform the participant that the request for education is canceled. Nonapprovable activities include the following:

ITEM 34. Amend paragraph **93.8(5)“a,”** introductory paragraph, as follows:

*a. Academic enrollment hours.* Participants are encouraged to maintain as full an academic workload as is possible in order to complete their education in a timely manner. However, a person may choose to participate in education along with other activities such as employment, ~~job-seeking~~ job readiness skills training, other job readiness activities, or other FIA activities.

ITEM 35. Amend paragraph **93.8(6)“a”** as follows:

*a. Eligibility.*

- (1) No change.
- (2) Participant eligibility for ~~payment of~~ child care assistance and transportation and child care payments begins as described in subparagraph 93.8(6)“a”(1) and shall be terminated when a training plan is canceled.
- (3) Each participant in postsecondary vocational training is limited to 24 fiscal months of PROMISE JOBS payment of expenses needed for participation. The 24 fiscal months do not have to be consecutive. See paragraph ~~“b” of this subrule~~ 93.8(6) “b” for additional limits on child care expenses.
- (4) No change.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 36. Amend paragraph **93.8(6)“b”** as follows:

*b. Child care.* ~~Participants assigned to educational activities shall receive a child care payment, if required, for each month or part thereof~~ assistance shall be provided as described at subrule 93.11(2) and 441—Chapter 170 when needed for participation in education and training activities except as described in subparagraphs 93.8(6)“b”(1) and 93.8(6)“b”(2). ~~EXCEPTION: Each PROMISE JOBS participant is limited to 24 fiscal months of child care assistance.~~

(1) ~~All child care assistance payments issued under the PROMISE JOBS program count toward this limit~~ needed for participation in postsecondary education activities are limited to 24 fiscal months.

(2) ~~All child care assistance payments issued for child care provided on or after March 1, 2009, for participation in postsecondary education activities count toward this limit, including payments issued while the person was not a PROMISE JOBS participant, pursuant to 441—subparagraph 170.2(2)“b”(1).~~

ITEM 37. Amend paragraph **93.8(6)“c,”** introductory paragraph, as follows:

*c. Transportation.* ~~Participants assigned to educational activities shall receive a transportation payment for each month or part thereof~~ Transportation payments shall be provided as described at subrule 93.11(3) when needed for participation in educational activities unless transportation payments are available from another source. Transportation needed for participation in education activities is subject to the limits described in paragraph 93.8(6)“a.”

ITEM 38. Amend paragraph **93.8(9)“a”** as follows:

*a. Failure to participate.* ~~The participant fails to maintain education activities or follow training plan requirements as specified in the participant's FIA, and the participant does not have good cause. Procedures at rule subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.~~

ITEM 39. Amend paragraph **93.9(1)“a”** as follows:

*a. Parents aged 20 or older.* ~~For parents who are aged 20 or older when the FIA is signed, activities that strengthen the participant’s ability to be a better parent can be considered approvable training under PROMISE JOBS and may be included in the FIA as long as the participant is active in at least one other PROMISE JOBS component. Parents aged 20 or older who do not carry out the parenting skills training described in the FIA shall be considered to have chosen the limited benefit plan, unless good cause exists or family circumstances warrant renegotiation and amendment of the FIA. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.~~

ITEM 40. Amend subparagraph **93.9(1)“c”(3),** introductory paragraph, as follows:

(3) ~~Area education agencies; child abuse prevention programs; child and adult food program sponsors; child care resource and referral agencies; family resource centers; maternal and child health centers; family development and self-sufficiency program grantees and other family development providers; Head Start, Head Start parent and child centers, and Early Head Start programs; Iowa State University Extension services such as, but not limit to, the “Best Beginnings” program; private nonprofit social service agencies; and young parent support and information organizations. Services shall be limited to:~~

ITEM 41. Amend paragraph **93.9(1)“e,”** introductory paragraph, as follows:

*e. Supportive payments.* ~~For participants described in paragraphs 93.9(1)“a” and 93.9(1)“b,” a child care payment assistance and a transportation payment for each month of participation, or part thereof, payments shall be provided as described at subrule 93.11(3), shall be paid if these services are when needed for participation in parenting skills training and not available from another entity and are required for participation source.~~

ITEM 42. Amend paragraph **93.9(1)“g”** as follows:

*g. Failure to complete parenting skills training.* ~~Parents aged 19 or younger who do not include parenting skills training in the FIA or do not carry out the parenting skills training described in the FIA shall be considered to have chosen the limited benefit plan. Procedures at rule subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.~~

## HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 43. Amend paragraph **93.9(2)“b”** as follows:

*b.* Inclusion of family development services by participants as a family investment agreement activity is voluntary except for ~~unmarried~~ parents ~~aged 17 and younger~~ under the age of 18 who are not married and who do not live with a parent or legal guardian as described at subparagraph 93.4(4)“c”(4).

ITEM 44. Amend paragraph **93.9(3)“a,”** introductory paragraph, as follows:

*a.* The ~~department of human services worker or the~~ PROMISE JOBS worker shall:

ITEM 45. Amend paragraph **93.10(1)“a”** as follows:

*a. Notice of meetings, assignments, and issues.* PROMISE JOBS shall notify participants in writing of all scheduled meetings, of FIA activity and work-site assignments, and of any participation issues as described at rule 441—93.13(239B). PROMISE JOBS shall also notify the participant in writing when the participant is required to provide medical documentation, verification of hours of participation, employment verification, or any other verification.

(1) PROMISE JOBS shall allow a participant ~~five~~ ten working days from the date notice is mailed to appear for scheduled meetings unless the participant agrees to an appointment that is scheduled to take place in less than ~~five~~ ten working days.

(2) PROMISE JOBS shall allow a participant ~~five~~ ten working days from the date notice is mailed to appear for an FIA activity or work-site assignment or to provide medical documentation, employment verification, or any other verification, except as otherwise specified in subrule 93.10(2).

(3) No change.

ITEM 46. Amend subrule 93.10(2) as follows:

**93.10(2) Verification of participation and progress.** Hours of participation and a participant’s progress in FIA activities must be documented and verified. When the participant is responsible for providing the verification, PROMISE JOBS shall notify the participant in writing as required in subrule 93.10(1).

*a. FIA activities directly monitored by PROMISE JOBS.* When the FIA activities are provided or directly monitored by PROMISE JOBS staff, such as job ~~club~~ readiness skills training or ~~workplace essentials~~ structured job search, the staff ~~will~~ shall document the participant’s hours of attendance and progress in the case file.

*b. FIA activities not directly monitored by PROMISE JOBS.* When FIA activities are provided by a service provider other than PROMISE JOBS, the provider shall verify the participant’s hours of attendance with Form 470-2617, ~~PROMISE JOBS Time and Attendance Report~~, unless another method is required by this rule.

(1) The provider is expected to specify the participant’s hours of attendance and to sign and date the ~~Time and Attendance Report~~ form.

(2) The participant is responsible for providing the signed and dated Time and Attendance form to PROMISE JOBS within ten calendar days following the end of each month, unless the provider provides the form to PROMISE JOBS within this time frame.

(3) EXCEPTION: If the participant is under age 20 and in high school or high school equivalency classes, the participant may verify the hours by completing and submitting the PROMISE JOBS Form 470-2617, Time and Attendance, Report monthly. The training provider does not need to sign the form.

*c. Documentation of job search.* The participant shall complete and provide documentation of any job search activities that cannot be verified by the PROMISE JOBS worker. The participant shall provide Form 470-3099, ~~Job Search Record~~, within ten calendar days following the end of each month during which the participant has made a job search. The PROMISE JOBS worker shall consider the Job Search Record Activity Log complete if the form includes:

(1) to (4) No change.

*d. Employment verification.* Participants shall verify actual hours of employment at the time that employment begins, upon FIP approval if employed at the time of application, when changes in hours occur, and no less than once every six months thereafter. Participants may use employer statements or copies of pay stubs, ~~Employer Statement of Earnings~~ Form 470-2844, or may sign Form 470-0429, ~~Consent to Obtain and Release Information~~, so that the employer may provide information directly to the

## HUMAN SERVICES DEPARTMENT[441](cont'd)

PROMISE JOBS worker. Participants shall provide verification of actual hours of employment within ~~five~~ ten working days of the written request from PROMISE JOBS.

*e. Documentation of self-employment.* At the time of the participant's FIA review, a self-employed participant shall provide documentation of actual hours worked and gross income and business expenses from the last 30 days. Data from more than 30 days may be requested if the last month is not indicative of normal business. The participant shall provide documentation within ~~five~~ ten working days of the written request from PROMISE JOBS.

*f.* No change.

*g. Failure to provide required documentation or verification.* Participants who fail to provide documentation or verification as described in this subrule after written notification from PROMISE JOBS as described in subrule 93.10(1) shall be considered to have chosen the limited benefit plan. Procedures at ~~rule~~ subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 47. Amend subrule 93.10(3) as follows:

**93.10(3) Verification of problems or barriers.** Participants may be required to provide written verification or supporting documentation of reported problems or barriers to participation, such as but not limited to lack of transportation, family emergency, or existence of a mental or physical disability or limitation or substance abuse.

*a. Medical documentation.* A participant shall secure and provide written documentation signed by a qualified medical or mental health professional to verify a claimed illness or disability within ~~five~~ ten working days of a written request by PROMISE JOBS. This time limit may be extended due to individual circumstances, such as the need to obtain an updated evaluation. Acceptable verification includes Form 470-0447, ~~Report on Incapacity~~, or other statement signed by a qualified medical or mental health professional to verify the existence of an illness, disability, or limitation.

*b. Other documentation.* A participant shall secure and provide written documentation to verify a claimed problem or barrier to participation within ~~five~~ ten working days of a written request by PROMISE JOBS. Acceptable documentation may include a signed statement from a third party with knowledge of the problem or barrier.

*c. Failure to verify problem or barrier or to provide medical documentation.* Failure to provide verification of a problem or barrier or to provide medical documentation as described at subrule 93.10(3) does not directly result in the imposition of a limited benefit plan. Examples of actions that do not directly result in a limited benefit plan include, but are not limited to, failure to provide Form 470-0447, ~~Report on Incapacity~~, or other statement from a medical or mental health professional to verify the existence of an illness or disability, or a statement from a third party with knowledge about the problem or barrier.

(1) Participants who claim an inability to participate on a full-time basis due to a claimed problem or barrier and who fail to provide verification or medical documentation upon written request may be required to renegotiate the FIA to include full-time participation in FIA activities. Failure to renegotiate the FIA may result in a limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

(2) No change.

ITEM 48. Amend rule 441—93.11(239B), introductory paragraph, as follows:

**441—93.11(239B) Supportive payments.** In order to facilitate successful participation, PROMISE JOBS may provide payment for the expenses listed in this rule. ~~Participants~~ Upon written request from PROMISE JOBS, participants shall submit Form 470-0510, Estimate of Cost, or other acceptable estimate of costs, to initiate payments or change the amount of payment for expenses other than child care.

ITEM 49. Amend subparagraph **93.11(2)“a”(1)** as follows:

(1) Care is needed for participation in any PROMISE JOBS activity other than orientation or assessment activities that occur before the FIA is signed,

ITEM 50. Amend paragraph **93.11(3)“a”** as follows:

*a. Exclusions.*

## HUMAN SERVICES DEPARTMENT[441](cont'd)

(1) A transportation payment is not available for orientation or for assessment activities that occur ~~on the same day as orientation~~ before the FIA is signed.

(2) A transportation payment is not available for employment. Participants who are employed shall be entitled to the ~~work expense~~ earned income deduction described at 441—paragraph 41.27(2) “a” to cover transportation costs associated with employment.

ITEM 51. Amend paragraph **93.11(5)“d”** as follows:

*d. Workforce ~~Investment~~ Innovation and Opportunity Act.* PROMISE JOBS funds may also be used to pay expenses for PROMISE JOBS participants enrolled in federal Workforce ~~Investment~~ Innovation and Opportunity Act (WIA WIOA) funded services or activities when those expenses are allowable under these rules.

ITEM 52. Amend subrule 93.12(3), introductory paragraph, as follows:

**93.12(3)** A PROMISE JOBS overpayment shall be recovered through repayment in part or in full. Repayments received by the PROMISE JOBS unit shall be transmitted to the Department of Human Services, Cashier’s Office, ~~Room 14~~, 1305 E. Walnut Street, Des Moines, Iowa ~~50319-0144~~ 50319-0114.

ITEM 53. Amend subrule 93.12(5) as follows:

**93.12(5)** When a participant or a provider has been referred to the DIA to initiate recovery, the DIA shall use the same methods of recovery as are used for the FIP program, described at DIA administrative rules ~~481—71.1(10A)~~ 481—90.1(10A) to ~~71.9(10A)~~ 481—90.9(10A), except that the FIP grant shall not be reduced to effect recovery without the participant’s written permission.

*a.* When the participant requests grant reduction on Form 470-0495, ~~Repayment Contract~~, the grant will be reduced for repayment as described in ~~441—subrule 46.25(3), paragraphs “a,”~~ 441—paragraphs 46.25(3) “a,” “b,” and “c.”

*b.* No change.

ITEM 54. Amend subrule 93.13(1), introductory paragraph, as follows:

**93.13(1)** *Notification of participation issue.* When participants appear to be choosing a limited benefit plan by not carrying out the FIA responsibilities, the PROMISE JOBS worker shall send one written reminder ~~or~~ letter as specified in subrule 93.10(1). The written reminder ~~or~~ letter shall:

ITEM 55. Amend subrule 93.13(2) as follows:

**93.13(2)** *Participation issues.* Actions that may cause participants to be considered as having chosen the limited benefit plan when the participant does not have a problem or barrier to participation as defined at paragraph 93.4(5) “a” or rule 441—93.14(239B) are:

*a. Tardiness.* Participants who are more than 15 minutes late to a scheduled FIA activity for a third time within three months of the first tardiness, after ~~receiving~~ PROMISE JOBS sends one written reminder letter at the time the second tardiness occurred.

*b. Failure to attend scheduled activities.* Participants who do not, for a second time after ~~receiving~~ PROMISE JOBS sends one written reminder letter at the first occurrence, appear for scheduled appointments, participate in assessment activities, including taking required vocational or aptitude tests, complete or provide required forms other than those described at subrule 93.10(3) or are absent from activities designated in the FIA.

*c. Absence from work experience.* Participants who do not, for a second time after ~~receiving~~ PROMISE JOBS sends one written reminder letter at the first occurrence, notify work experience sponsors or the PROMISE JOBS worker of an absence within one hour of the time at which they are due to appear.

*d. Disruptive behavior.* Participants who exhibit disruptive behavior for a second time after ~~receiving~~ PROMISE JOBS sends one written reminder letter at the first occurrence. “Disruptive behavior” means the participant hinders the performance of other participants or staff, refuses to follow instructions, uses abusive language, or is under the influence of alcohol or drugs.

*e. Unsatisfactory performance or participation.* Participants whose performance or participation in an FIA activity continues to be unsatisfactory after PROMISE JOBS sends one written reminder letter as described in subrule 93.13(1).

## HUMAN SERVICES DEPARTMENT[441](cont'd)

*f. Physical threats.* Participants who make physical threats to other participants or staff and do not demonstrate that the participant is not at fault by providing written documentation from a doctor, licensed psychologist, probation officer, or law enforcement official after PROMISE JOBS sends one written reminder letter as described in subrule 93.13(1).

(1) and (2) No change.

*g. Accepting work experience assignments.* Participants who do not accept work experience assignments when the work experience is part of the FIA and do not demonstrate a problem or barrier that caused the failure after PROMISE JOBS sends one written reminder letter as described in subrule 93.13(1).

*h. Work experience interviews.* Participants who do not appear for work experience interviews for a second time after ~~receiving a~~ PROMISE JOBS sends one written reminder letter as described in subrule 93.13(1) at the first occurrence.

*i. Employment and other work activity issues.* Participants who do not follow up on job referrals, who refuse offers of employment or other work activity, who reduce hours of employment or other work activity, who terminate employment or other work activity, or who are discharged from employment or other work activity due to misconduct.

(1) No change.

(2) At the time of the occurrence, PROMISE JOBS shall send a letter to the participant regarding the misconduct. The letter shall give the participant an opportunity to resolve the issue by accepting a previously refused employment offer if available, returning to previously terminated employment, if available, obtaining comparable employment, or demonstrating a problem or barrier that caused the failure.

*j.* No change.

*k. Inappropriate use of funds.* Participants for whom child care, transportation, or educational services become unavailable as a result of failure to use PROMISE JOBS funds or child care assistance funds to pay the provider or failure to provide required receipts and who do not demonstrate a problem or barrier that caused the failure after PROMISE JOBS sends one written reminder letter.

*l.* No change.

*m. Failure to renegotiate the FIA.* When a participant fails to respond to the PROMISE JOBS worker's request to renegotiate the FIA because the participant has not attained self-sufficiency by the date established in the FIA, after PROMISE JOBS sends one written reminder letter, a limited benefit plan shall be imposed regardless of whether the request to renegotiate is made before or after expiration of the FIA.

ITEM 56. Amend paragraph **93.14(2)“m”** as follows:

*m.* The employment would result in the family of the participant experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less necessary work-related expenses is less than the cash assistance the person was receiving at the time the offer of employment is made. Gross income includes, but is not limited to, earnings, unearned income, and cash assistance. Gross income does not include ~~food-stamp~~ SNAP benefits and in-kind income.

ITEM 57. Renumber subrule **93.15(5)** as **93.15(6)**.

ITEM 58. Adopt the following new subrule 93.15(5):

**93.15(5) Recovery of assistance when a new limited benefit plan is established.** Assistance issued pending the final decision of the appeal is not subject to recovery when a new limited benefit plan period is established. A new limited benefit plan period shall be established when the department is affirmed in a timely appeal of the establishment of the limited benefit plan. All of the following conditions shall exist:

*a.* The appeal is filed either:

(1) Before the effective date of the intended action on the notice of decision or notice of action establishing the beginning date of the limited benefit plan, or

(2) Within ten days from the date on which a notice establishing the beginning date of the limited benefit plan is received. The date on which notice is received is considered to be five days after the date



## HUMAN SERVICES DEPARTMENT[441](cont'd)

on the notice, unless the intended recipient shows that the recipient did not receive the notice within the five-day period.

- b. Assistance is continued pending the final decision of the appeal.
- c. The department's action is affirmed.

ITEM 59. Amend renumbered paragraph **93.15(6)“a”** as follows:

a. When any involved party is dissatisfied with the department's final decision, the dissatisfied party shall be informed of the right to appeal the issue to the Secretary of Labor, Office of Administrative Law Judges, U.S. Department of Labor, ~~Vanguard Building, Room 600, 111 20th Street N.W., Washington, DC 20036~~, within 20 days of receipt of the decision. The department may assist with the appeal upon request.

ITEM 60. Amend subrule 93.17(3), introductory paragraph, as follows:

**93.17(3)** Any dissatisfied party shall be informed of the right to appeal the decision of the department to the Secretary of Labor, Office of Administrative Law Judges, U.S. Department of Labor, ~~Vanguard Building, Room 600, 111 20th Street N.W., Washington, DC 20036~~, within 20 days of the receipt of the department's final decision.

**ARC 6457C**

## **HUMAN SERVICES DEPARTMENT[441]**

### **Notice of Intended Action**

#### **Proposing rule making related to five-year rules review and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 116, “Licensing and Regulation of Residential Facilities for Children With an Intellectual Disability or Brain Injury,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 237.3.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 237.3.

#### *Purpose and Summary*

Chapter 116 is proposed to be amended as part of the Department's five-year rules review. This proposed rule making updates a cross-reference to the Iowa Code section that contains the definition of “brain injury.” Updating the cross-reference makes it easier for a user to find the definition. The change streamlines the rules by referring directly to the definition of “brain injury” and is consistent with the mental health and disability services redesign legislation.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

*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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making action is proposed:

Amend rule **441—116.2(237)**, definitions of “Community residential facility for children with an intellectual disability or brain injury” and “Comprehensive residential facility for children with an intellectual disability or brain injury,” as follows:

“*Community residential facility for children with an intellectual disability or brain injury*” means a community residential facility as defined in rule 441—114.2(237) which serves children with an intellectual disability as defined in Iowa Code chapter 222 or brain injury as defined in Iowa Code ~~chapter 225C~~ section 135.22.

“*Comprehensive residential facility for children with an intellectual disability or brain injury*” means a comprehensive residential facility as defined in rule 441—115.2(237) which serves children with an intellectual disability as defined in Iowa Code chapter 222 or brain injury as defined in Iowa Code ~~chapter 225C~~ section 135.22.

**ARC 6456C****HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rule making related to five-year rules review  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to rescind Chapter 168, “Child Care Expansion Programs,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 234.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

*Purpose and Summary*

Chapter 168 was reviewed as part of the Department’s five-year rules review process. This proposed rule making rescinds the chapter because it contains outdated rules no longer in use for wrap-around child care programs and expansion of school-age child care programs. Funding has not been allocated for these expansion programs for over ten years.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

*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 rule making may be demanded by 25 interested persons, a governmental

HUMAN SERVICES DEPARTMENT[441](cont'd)

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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making action is proposed:

Rescind and reserve **441—Chapter 168.**

**ARC 6455C**

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Notice of Intended Action**

**Proposing rule making related to food establishments and home food processing establishments and providing an opportunity for public comment**

The Inspections and Appeals Department hereby proposes to amend Chapter 30, "Food and Consumer Safety," and Chapter 31, "Food Establishment and Food Processing Plant Inspections," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 10A.104(5) and 137F.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2022 Iowa Acts, House File 2431.

*Purpose and Summary*

This proposed rule making amending Chapters 30 and 31 implements 2022 Iowa Acts, House File 2431, and makes revisions in conformance with the proposed replacement of Chapter 34, "Home Bakeries," with a new Chapter 34, "Home Food Processing Establishments" (**ARC 6454C**, IAB 8/10/22). House File 2431 defines "home food processing establishment" and expands opportunities for the sale of homemade food items through the home food processing establishment license, formerly the home bakery license. It also defines "cottage food" and exempts cottage food from state licensing and inspection.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, there may be a positive impact on jobs through increased opportunity for self-employment. This rule making, in conjunction with the authorizing legislation (2022 Iowa Acts, House File 2431), creates opportunities for the sale of cottage food.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Ashleigh Hackel  
Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [ashleigh.hackel@dia.iowa.gov](mailto:ashleigh.hackel@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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend rule 481—30.1(10A,137C,137D,137F) as follows:

**481—30.1(10A,137C,~~137D~~,137F) Food and consumer safety bureau.** The food and consumer safety bureau inspects food establishments and food processing plants including food storage facilities (warehouses), ~~home bakeries~~, food and beverage vending machines, and hotels and motels. The food and consumer safety bureau is also responsible for social and charitable gambling and amusement devices. Separate chapters have been established for the administration of social and charitable gambling (481—Chapters 100 to 103, 106, and 107) and amusement devices (481—Chapters 104 and 105).

This rule is intended to implement Iowa Code sections 10A.104 and 22.11 and ~~Iowa Code~~ chapters 137C,~~137D~~ and 137F.

ITEM 2. Amend rule 481—30.2(10A,137C,137D,137F) as follows:

**481—30.2(10A,137C,~~137D~~,137F) Definitions.** If both the 2017 Food and Drug Administration Food Code with Supplement and rule 481—30.2(10A,137C,~~137D~~,137F) define a term, the definition in rule 481—30.2(10A,137C,~~137D~~,137F) shall apply.

*“Baked goods”* means breads, cakes, doughnuts, pastries, buns, rolls, ~~cookies, biscuits and pies (except meat pies)~~.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

*“Bed and breakfast home”* means a private residence which provides lodging and meals for guests, in which the host or hostess resides, and in which no more than four guest families are lodged at the same time. The facility may advertise as a bed and breakfast home but not as a hotel, motel or restaurant. The facility is exempt from licensing and inspection as a hotel or as a food establishment. A bed and breakfast home may serve food only to overnight guests, unless a food establishment license is secured.

*“Bed and breakfast inn”* means a hotel which has nine or fewer guest rooms.

*“Catering”* means the preparation of food for distribution to an individual, business or organization for exclusive service to the individual’s, business’s or organization’s nonpaying guests, employees or members.

*“Certified wild-harvested mushroom identification expert”* means an individual who has within the last three years successfully completed a wild-harvested mushroom identification training program provided by an accredited college, university, or state mycological society. The training program must include a component of actual identification of physical specimens or simulations of mushroom species. A document must be issued by an accredited college, accredited university, or state mycological society certifying the individual’s successful completion of the wild-harvested mushroom identification training program and specifying the species of wild mushrooms the individual is qualified to identify.

*“Commissary”* means a food establishment used for preparing, fabricating, packaging and storage of food or food products for distribution and sale through the food establishment’s own outlets.

*“Contractor”* means a municipal corporation, county or other political subdivision that contracts with the department to license and inspect under Iowa Code chapter 137C,~~137D~~ or 137F. A list of contractors is maintained on the department’s website.

*“Cottage food”* means the production and sale of food produced at a private residence other than time/temperature control for safety food as provided in Iowa Code section 137F.20 as enacted by 2022 Iowa Acts, House File 2431, section 10, and food for resale that is not time/temperature control for safety food. “Cottage food” includes home-processed and home-canned pickles, vegetables, or fruits that have a finished equilibrium pH value of 4.60 or lower or a water activity value of 0.85 or less for which each batch has been measured by a pH meter or a water activity meter and each container that is sold or offered for sale contains the date the food was processed and canned. “Cottage food” does not include any of the following:

1. Milk or milk products regulated under Iowa Code chapters 192 and 194.
2. Meat, meat food products, poultry, or poultry food products regulated under Iowa Code chapter 189A.

*“Criminal offense”* means a public offense, as defined in Iowa Code section 701.2, that is prohibited by statute and is punishable by fine or imprisonment.

*“Critical violation”* means a foodborne illness risk factor and public health intervention and the violations defined as such by the Food Code adopted in rule 481—31.1(137F) and pursuant to Iowa Code section 137F.2.

*“Cultivated mushroom”* means a mushroom grown through a process in which the grower inoculates a substrate (logs, beds, straw, etc.) with a known strain or species of mushroom spawn in a dedicated space, whether outdoors or indoors, that is under the control of the grower, for the purpose of fruiting mushrooms.

*“Department”* means the department of inspections and appeals.

*“Event”* means a significant occurrence or happening sponsored by a civic, business, governmental, community, or veterans organization and may include an athletic contest. For example, an event does not include a single store’s grand opening or sale.

*“Farmers market”* means a marketplace which operates seasonally, principally as a common market for Iowa-produced farm products on a retail basis for consumption elsewhere.

*“Farmers market time/temperature control for safety food license”* means a license for a temporary food establishment that sells time/temperature control for safety foods at farmers markets. A separate annual farmers market time/temperature control for safety food license is required for each county in which the licensee sells time/temperature control for safety foods at farmers markets. The license is only applicable at farmers markets and is not required in order to sell wholesome, fresh shell eggs to

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

consumer customers. “Farmers market time/temperature control for safety food license” does not include a temporary food establishment that sells packaged time/temperature control for safety food items from a licensed source at farmers markets.

*“Food establishment”* means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, nutrition program operated pursuant to Title III-C of the Older Americans Act, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school. Assisted living programs and adult day services are included in the definition of food establishment to the extent required by 481—subrules 69.28(6) and 70.28(6). “Food establishment” does not include the following:

1. A food processing plant.
2. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.
3. A produce stand or facility which sells only whole, uncut fresh fruits and vegetables.
4. Premises which are a home ~~bakery~~ food processing establishment pursuant to Iowa Code chapter 137D.
5. Premises which operate as a farmers market if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.
6. Premises of a residence in which food ~~that is not a time/temperature control for safety food is sold for consumption off the premises to a consumer customer, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food. This exception does not apply to resale goods. This exception applies only to sales made from the residence in person and does not include mail order or Internet sales~~ is produced pursuant to Iowa Code section 137F.20 as enacted by 2022 Iowa Acts, House File 2431, section 10.
7. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.
8. A private home or private party where a personal chef or hired cook is providing food preparation services to a client and the client’s nonpaying guests.
9. A private home that receives catered or home-delivered food.
10. Child day care facilities and other food establishments located in hospitals or health care facilities that serve only patients and staff and are subject to inspection by other state agencies or divisions of the department.
11. Supply vehicles or vending machine locations.
12. Establishments that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.
13. The following premises, provided they are exclusively engaged in the sale of alcoholic beverages in a prepackaged form:
  - Premises ~~covered by a current Class “A” beer permit, including a Class “A” native beer permit as provided in~~ of a beer manufacturer, distributor, or wholesaler under Iowa Code chapter 123;
  - Premises ~~covered by a current Class “A” wine permit, including a Class “A” native wine permit as provided in~~ of a wine manufacturer, distributor, or wholesaler under Iowa Code chapter 123; and
  - Premises of a manufacturer of distilled spirits under Iowa Code chapter 123.
14. Premises or operations that are exclusively engaged in the processing of milk and milk products, are regulated by Iowa Code ~~section~~ sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.
15. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler’s license.
16. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.
17. Premises regularly used by a nonprofit organization which engages in the serving of food on the premises as long as the nonprofit organization does not exceed the following restrictions:

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

- The nonprofit organization serves food no more than one day per calendar week and not on two or more consecutive days;
- Twice per year, the nonprofit organization may serve food to the public for up to three consecutive days; and
- The nonprofit organization may use the premises of another nonprofit organization not more than twice per year for one day to serve food.

18. A stand operated by a minor.

*"Food processing plant"* means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. "Food processing plant" does not include any of the following:

1. The following premises, provided they are exclusively engaged in the sale of alcoholic beverages in a prepackaged form:

- Premises ~~covered by a current Class "A" beer permit, including a Class "A" native beer permit as provided in~~ of a beer manufacturer, distributor, or wholesaler under Iowa Code chapter 123;
- Premises ~~covered by a current Class "A" wine permit, including a Class "A" native wine permit as provided in~~ of a beer manufacturer, distributor, or wholesaler under Iowa Code chapter 123; and
- Premises of a manufacturer of distilled spirits under Iowa Code chapter 123.

2. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.

3. Premises or operations that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.

4. Premises or operations that are exclusively engaged in the processing of milk or milk products, are regulated by Iowa Code ~~section~~ sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.

5. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.

6. Premises or operations that are exclusively engaged in the preparation or processing of Siluriformes, including catfish, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

7. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.

*"Food service establishment"* means a food establishment where food is prepared or served for individual portion service intended for consumption on the premises or is subject to Iowa sales tax as provided in Iowa Code section 423.3.

*"Home bakery"* means a business on the premises of a residence that is operating as a home-based bakery where baked goods are prepared for consumption elsewhere. Annual gross sales of these products cannot exceed \$35,000. "Home bakery" does not include:

1. — A food establishment;
2. — A food processing plant;
3. — A residence where food is prepared to be used or sold by churches, fraternal societies, or charitable, civic or nonprofit organizations;
4. — A residence that prepares or distributes honey;
5. — A residence that distributes shell eggs;
6. — A residence that prepares foods that are not time/temperature control for safety foods for sale at a farmers market; or

7. — A residence that prepares baked goods that are not time/temperature control for safety foods sold directly from the residence. This exception does not apply to resale goods. This exception applies only to sales made from the residence in person and does not include mail order or Internet sales.

*"Hotel"* means any building equipped, used or advertised to the public as a place where sleeping accommodations are rented to temporary or transient guests.

*"License holder"* means an individual, corporation, partnership, governmental unit, association or any other entity to whom a license was issued under Iowa Code chapter 137C, ~~137D~~ or 137F.



## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

“*Mobile food unit*” means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

“*Patrol dog*” means a dog that is accompanying a law enforcement officer or security officer.

“*Personal chef*” or “*hired cook*” means a person who provides food preparation services in a private home or at a private party for a client and the client’s nonpaying guests. “Personal chef” or “hired cook” does not include a person who provides the ingredients intended to be used in food preparation.

“*Pet dog*” means a dog that does not meet the definition of a “patrol dog” or a “service animal” as defined in the Code of Federal Regulations, Title 28, Part 36.

“*Pushcart*” means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

“*Retail food establishment*” means a food establishment that sells to consumer customers food or food products intended for preparation or consumption off the premises.

“*Revoke*” means to void or annul by recalling or withdrawing a license issued under Iowa Code chapter 137C, ~~137D~~ or 137F. The entire application process, including the payment of applicable license fees, must be repeated to regain a valid license following a revocation.

“*Stand operated by a minor*” means a stand or other facility operated by a person or persons under the age of 18 at which food is sold directly to consumers that is not time/temperature control for safety food or an alcoholic beverage and that operates on a temporary and occasional basis on private property with the permission of the owner of the property.

“*Suspend*” means to render a license issued under Iowa Code chapter 137C, ~~137D~~, or 137F invalid for a period of time, with the intent of resuming the validity of a license at the end of that period.

“*Temporary food establishment*” means a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event.

“*Time/temperature control for safety food*” means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

“*Transient guest*” means an overnight lodging guest who does not intend to stay for any permanent length of time. Any guest who rents a room for more than 31 consecutive days is not classified as a transient guest.

“*Unattended food establishment*” means an operation that provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public. “Controlled entry,” for the purposes of the definition of “unattended food establishment,” means selective restriction or limitation of access to a place or location.

“*Vending machine*” means a self-service device which, upon insertion of a coin, paper currency, token, card or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. Vending machines that dispense only prepackaged foods that are not time/temperature control for safety foods, panned candies, gumballs or nuts are exempt from licensing but may be inspected by the department upon receipt of a written complaint. “Panned candies” are those with a fine, hard coating on the outside and a soft candy filling on the inside. Panned candies are easily dispensed by a gumball-type machine.

“*Vending machine location*” means the room, enclosure, space, or area where one or more vending machines are installed and operated, including the storage areas on the premises that are used to service and maintain the vending machine.

“*Wild-harvested mushroom*” means a fresh mushroom that has been found or foraged in the natural environment and has not been processed (e.g., dried or frozen). “Wild-harvested mushroom” does not include cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.

This rule is intended to implement Iowa Code sections 10A.104, and 137C.8, ~~and 137D.2~~ and chapter 137F.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

ITEM 3. Amend rule 481—30.3(137C,137D,137F), introductory paragraph, as follows:

**481—30.3(137C,137D,137F) Licensing and postings.** A license to operate any food establishment or food processing plant defined in rule 481—30.2(10A,137C,~~137D~~,137F) must be granted by the department of inspections and appeals. Application for a license is made on a form furnished by the department which contains the names of the business, owner, and manager; locations of buildings; and other data relative to the license requested. Applications are available from the Department of Inspections and Appeals, Food and Consumer Safety Bureau, Lucas State Office Building, Des Moines, Iowa 50319-0083, or from contractors. An application for licensure shall be submitted 30 days in advance of the opening of the food establishment or food processing plant. Temporary food establishment license applications shall be submitted a minimum of 3 business days prior to opening.

ITEM 4. Amend subrule 30.3(5), introductory paragraph, as follows:

**30.3(5) Documentation of gross sales.** The regulatory authority shall require from a license holder documentation of the annual gross sales of food and drink sold by a licensed food establishment or a licensed food processing plant unless the establishment is paying the highest license fee required by rule 481—30.4(137C,~~137D~~,137F). The documentation submitted by the license holder will be kept confidential and will be used to verify that the license holder is paying the appropriate license fee based on annual gross sales of food and drink. For food processing plants that are food storage facilities and food establishments whose sales are included in a single rate with lodging or other services, the value of the food handled should be used. Documentation shall include at least one of the following:

ITEM 5. Amend rule **481—30.3(137C,137D,137F)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 10A.104, and 137C.8, ~~and 137D.2~~ and chapter 137F.

ITEM 6. Amend rule 481—30.4(137C,137D,137F) as follows:

**481—30.4(137C,137D,137F) License fees.** The license fee is the same for an initial license and a renewal license. License applications are available from the Department of Inspections and Appeals, Food and Consumer Safety Bureau, Lucas State Office Building, Des Moines, Iowa 50319-0083, or from a contractor. License fees are set by the Iowa Code sections listed below and are charged as follows:

**30.4(1)** No change.

**30.4(2) Food service establishments.** License fees for food service establishments are based on annual gross sales of food and drink for individual portion service intended for consumption on the premises (Iowa Code section 137F.6 ~~as amended by 2018 Iowa Acts, Senate File 2390~~) or subject to Iowa sales tax as provided in Iowa Code section 423.3 as follows:

*a. to c.* No change.

**30.4(3) Vending machines.** License fees for food and beverage vending machines are \$50 for the first machine and \$10 for each additional machine (Iowa Code section 137F.6 ~~as amended by 2018 Iowa Acts, Senate File 2390~~).

**30.4(4) Home bakery.** The license fee for a home bakery is \$50 (Iowa Code section 137D.2(1) ~~as amended by 2018 Iowa Acts, Senate File 2390~~).

**30.4(5) 30.4(4) Hotels.** License fees for hotels are based on the number of rooms provided to transient guests (Iowa Code section 137C.9) as follows:

*a. to c.* No change.

**30.4(6) 30.4(5) Mobile food units or pushcarts.** The license fee for a mobile food unit or a pushcart is \$250 (Iowa Code section 137F.6 ~~as amended by 2018 Iowa Acts, Senate File 2390~~).

**30.4(7) 30.4(6) Temporary food establishments.**

*a.* The fee for a temporary food establishment license issued for up to 14 consecutive days in conjunction with a single event is \$50 (Iowa Code section 137F.6 ~~as amended by 2018 Iowa Acts, Senate File 2390~~).

*b.* The annual fee for a temporary food establishment license issued for multiple nonconcurrent events on a countywide basis during a calendar year is \$200 (Iowa Code section 137F.6 ~~as amended by~~

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

~~2018 Iowa Acts, Senate File 2390~~). Temporary food establishments that operate simultaneously at more than one location within a county are required to have a separate license for each location.

~~30.4(8)~~ **30.4(7)** *Food processing plants including food storage facilities (warehouses)*. For food processing plants, the annual license fee is based on the annual gross sales of food and food products handled at that plant or food storage facility (warehouse) (Iowa Code section 137F.6 as amended by ~~2018 Iowa Acts, Senate File 2390~~) as follows:

*a. to c.* No change.

~~30.4(9)~~ **30.4(8)** *Farmers market*. A person selling time/temperature control for safety food at a farmers market must pay an annual license fee of \$150 for each county of operation. Persons who operate simultaneously at more than one location within a county are required to have a separate license for each location.

~~30.4(10)~~ **30.4(9)** *Certificate of free sale or sanitation*. The fee for a certificate of free sale or sanitation is \$35 for the first certificate and \$10 for each additional identical certificate requested at the same time.

~~30.4(11)~~ **30.4(10)** *Unattended food establishment*. The annual license fee for an unattended food establishment is based on the annual gross food and beverage sales (Iowa Code section 137F.6 as amended by ~~2018 Iowa Acts, Senate File 2390~~) as follows:

*a. and b.* No change.

~~30.4(12)~~ **30.4(11)** *Events*. The license fee for an event is \$50, which shall be submitted with a license application to the appropriate regulatory authority at least 60 days in advance of the event. An “event” for purposes of this subrule does not include a function with ten or fewer temporary food establishments, a fair as defined in Iowa Code section 174.1, or a farmers market.

~~30.4(13)~~ **30.4(12)** *Voluntary inspection fee*. The department shall charge a voluntary inspection fee of \$100 when a premises that is not a food establishment requests a voluntary inspection.

This rule is intended to implement Iowa Code sections 137C.9, ~~137D.2(1)~~, and 137F.6 and ~~2018 Iowa Acts, Senate File 2390~~.

ITEM 7. Amend subrule 30.5(3) as follows:

**30.5(3)** *Civil penalty for violations*. A person who violates Iowa Code chapter 137F or these rules shall be subject to a civil penalty of \$100 for each violation. Prior to assessment of the penalty, the license holder shall have an opportunity for a hearing using the process outlined in rule 481—30.11(10A,137C,~~137D~~,137F).

ITEM 8. Amend rule 481—30.6(137C,137D,137F) as follows:

**481—30.6(137C,~~137D~~,137F) Returned checks**. If a check intended to pay for any license provided for under Iowa Code chapter 137C,~~137D~~, or 137F is not honored for payment by the bank on which it is drafted, the department will attempt to redeem the check. The department will notify the applicant of the need to provide sufficient payment. An additional fee of \$25 shall be assessed for each dishonored check. If the department does not receive cash to replace the check, the establishment will be operating without a valid license. Furthermore, any late penalties assessed pursuant to rule 481—30.5(137F) will accrue and must be paid.

This rule is intended to implement Iowa Code sections 137C.9, ~~137D.2(1)~~, and 137F.6.

ITEM 9. Amend rule 481—30.8(137C,137D,137F) as follows:

**481—30.8(137C,~~137D~~,137F) Inspection frequency**.

**30.8(1)** *Food establishments*. Food establishments shall be inspected based upon risk assessment and shall have routine inspections at least once every ~~36~~ 60 months. Very low risk food establishments will not have a routine inspection frequency.

**30.8(2) to 30.8(4)** No change.

~~30.8(5)~~ *Home bakeries and vending machines*. ~~Home bakeries and vending machines shall have a pre-opening inspection and then shall not have a specific inspection frequency. An inspection may~~

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

be triggered, for example, by complaints, potential foodborne illness, or information about potential violations of law or rules.

~~30.8(6)~~ **30.8(5)** *Farmers market time/temperature control for safety food.* Farmers market time/temperature control for safety food licensees shall be inspected at least once annually.

~~30.8(7)~~ **30.8(6)** *Temporary food establishments.* Temporary food establishments issued an annual license pursuant to paragraph ~~30.4(7)“b”~~ **30.4(6)“b”** shall be inspected at least once annually.

This rule is intended to implement Iowa Code sections 137C.11, ~~137D.2~~, and 137F.10.

ITEM 10. Amend rule ~~481—30.9(22)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapters 137C, ~~137D~~, 137F and 22.

ITEM 11. Amend rule ~~481—30.10(17A,137C,137D,137F)~~, parenthetical implementation statute, as follows:

**~~481—30.10(17A,137C,137D,137F)~~ Denial, suspension, or revocation of a license to operate.**

ITEM 12. Amend subrule 30.10(1) as follows:

**30.10(1)** *Immediate suspension of license.* To the extent not inconsistent with Iowa Code chapters 17A, 137C, ~~137D~~, and 137F and rules adopted pursuant to those chapters, chapter 8 of the Food Code shall be adopted for food establishments ~~and home bakeries~~. The department or contractor may immediately suspend a license in cases of an imminent health hazard. The procedures of Iowa Code section 17A.18A and Food Code chapter 8 shall be followed in cases of an imminent health hazard. The appeal process in rule ~~481—30.11(10A,137C,137D,137F)~~ is available following an immediate suspension. The department may immediately suspend the license of a food processing plant or hotel if an imminent health hazard finding is made and the procedures of Iowa Code section 17A.18A are followed.

ITEM 13. Amend paragraph **30.10(2)“d”** as follows:

*d.* The department’s decision to revoke or suspend a license may be contested by the adversely affected party pursuant to the provisions of rule ~~481—30.11(10A,137C,137D,137F)~~.

ITEM 14. Amend rule ~~481—30.10(17A,137C,137D,137F)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapters 17A, 137C, ~~137D~~ and 137F.

ITEM 15. Amend rule ~~481—30.11(10A,137C,137D,137F)~~, parenthetical implementation statute, as follows:

**~~481—30.11(10A,137C,137D,137F)~~ Formal hearing.**

ITEM 16. Amend rule ~~481—30.11(10A,137C,137D,137F)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 10A.104 and Iowa Code chapters ~~137C,137D~~, and 137F.

ITEM 17. Adopt the following **new** rule ~~481—30.13(10A,137F)~~:

**~~481—30.13(10A,137F)~~ Cottage food.**

**30.13(1)** Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food complies with all of the following:

*a.* The food does not require time/temperature control for safety. When it is not obvious whether a food requires time/temperature control for safety, the food producer must provide documentation that a food does not require time/temperature control for safety to the regulatory authority upon request.

*b.* The food is not a milk or milk product regulated under Iowa Code chapters 192 and 194.

*c.* The food is not a meat, meat food product, poultry, or poultry food product regulated under Iowa Code chapter 189A.

*d.* The food is not unpasteurized fruit or vegetable juice.

*e.* The food is produced in a private residence.

*f.* The food is sold and delivered by the producer directly to the consumer.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

- g. The cottage food is labeled or affixed with the following information:
- (1) Information to identify the name and address, phone number, or electronic mail address of the person preparing the food.
  - (2) The common name of the food.
  - (3) The ingredients of the cottage food in descending order of predominance.
  - (4) The following statement: “This product was produced at a residential property that is exempt from state licensing and inspection.”
  - (5) If the cottage food contains one or more major food allergens, an additional allergen statement identifying each major allergen contained in the food by the common name of the allergen.
  - (6) If the food is home-processed and contains home-canned pickles, vegetables, or fruits permitted under this rule, the date that the food was processed and canned.
- h. Home-processed and home-canned pickles, vegetables, or fruits sold under this rule must comply with the following:
- (1) Each batch must be measured by a pH meter or a water activity meter and shall have a finished equilibrium pH value of 4.60 or lower or a water activity value of 0.85 or less.
  - (2) Each container that is sold or offered for sale must contain the date the food was processed and canned.
- i. The cottage food producer must provide batch testing records to the regulatory authority upon request, including at the point of sale.
- j. Cottage food shall not be offered for sale in a food establishment except in a temporary food establishment, provided that the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled in accordance with subrule 30.13(7).

**30.13(2)** Compliance with the cottage food exemption provided in this rule does not represent compliance with federal law.

This rule is intended to implement Iowa Code chapter 137F as amended by 2022 Iowa Acts, House File 2431.

ITEM 18. Renumber subrules **31.1(4)** to **31.1(17)** as **31.1(5)** to **31.1(18)**.

ITEM 19. Adopt the following **new** subrule 31.1(4):

**31.1(4)** *Homemade food items prepared in a licensed home food processing establishment.* Section 3-201.11 is amended to allow homemade food items that are eligible for resale and are prepared, packaged, and labeled pursuant to 481—Chapter 34 to be offered for human consumption in a food establishment.

ITEM 20. Amend renumbered subrule 31.1(16) as follows:

**31.1(16)** *Nonprofit exception for temporary events.* Nonprofit organizations that are licensed as temporary food establishments may serve non-time/temperature control for safety food from an unapproved source for the duration of the event. This does not include home-canned pickles, vegetables, or fruits produced in accordance with Iowa Code section 137F.20 as enacted by 2022 Iowa Acts, House File 2431, section 10.

ITEM 21. Amend subrule 31.2(3) as follows:

**31.2(3)** *Stop sale.* Any article of food that is adulterated or misbranded when introduced into commerce may be embargoed until such a time as the adulteration ~~of~~ or misbranding is remedied or the product is destroyed. The action is immediate, but the licensee may appeal the decision following the process outlined in ~~rule~~ rules 481—30.11(10A,137C,~~137D~~,137F) and 481—34.14(137D).

ITEM 22. Amend subrule 31.2(5) as follows:

**31.2(5)** *Adulterated food.* See ~~rule~~ rules 481—31.3(~~137D~~,137F) and 481—34.5(137D).

ITEM 23. Amend rule 481—31.3(137D,137F), parenthetical implementation statute, as follows:

**481—31.3(~~137D~~,137F)** *Adulterated food and disposal.*

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

ITEM 24. Amend paragraph 31.5(2)“i” as follows:

*i. Approved food source.* All food supplies shall come from a commercial manufacturer or an approved source. The use of food in hermetically sealed containers that is not prepared in an approved food processing plant or home food processing establishment is prohibited. Transport vehicles used to supply food products are subject to inspection and shall protect food from physical, chemical and microbial contamination. Cottage foods may be offered for sale in a temporary food establishment if the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled pursuant to 481—paragraph 30.13(1)“g.”

**ARC 6454C**

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Notice of Intended Action**

**Proposing rule making related to home food processing establishments and providing an opportunity for public comment**

The Inspections and Appeals Department hereby proposes to rescind Chapter 34, “Home Bakeries,” Iowa Administrative Code, and to adopt a new Chapter 34, “Home Food Processing Establishments.”

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 10A.104(5) and 137D.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2022 Iowa Acts, House File 2431.

*Purpose and Summary*

This proposed rule making implements 2022 Iowa Acts, House File 2431. The legislation defines “home food processing establishment” and expands opportunities for sale of homemade food items through the home food processing establishment license, formerly the home bakery license. The legislation also defines “cottage food” and exempts cottage food from state licensing and inspection.

*Fiscal Impact*

Implementation of 2022 Iowa Acts, House File 2431, and these rules will require modifications to the Department’s online licensing and inspection system and website. The Department anticipates one-time IT development costs in the amount of \$60,000 for these tasks. Implementation of these administrative rules is based on the Department’s current resources. The Department anticipates an approximate 5 percent increase in its current workload to accommodate additional inspections, complaint response, and compliance-related activities.

The Food and Consumer Safety Bureau currently has 21 Environmental Specialist full-time equivalent (FTE) positions to conduct inspections in 63 of the 99 counties in Iowa, with an inventory of over 12,000 establishments. The anticipated increase in the workload for inspections, complaint response, and compliance-related activities is expected to be 5 percent over the current workload. The Department anticipates that its currently allocated FTE positions are insufficient to appropriately absorb the increased workload, and one additional Environmental Specialist FTE position would be necessary to implement these changes. The cost of one Environmental Specialist FTE position is \$85,000. The Department also currently has .5 Environmental Specialist Senior FTE position dedicated to provide regulatory guidance to home food processing establishments, cottage food producers, local contracting health departments, and Iowa State University Extension. An additional .5 FTE position is anticipated to be required to appropriately absorb the increase in demand for technical assistance and to provide regulatory guidance

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

to industry, home-based food producers, and local contracting public health departments. The cost of .5 Environmental Specialist Senior FTE position is \$50,000.

The Department anticipates that individuals seeking home food processing establishment licenses may double in comparison to current home bakery licenses, from approximately 400 license holders to approximately 800 license holders. Iowa Code section 137D.2 requires the Department to collect a \$50 fee for the cost of the license.

*Jobs Impact*

After analysis and review of this rule making, there may be a positive impact on jobs through increased opportunity for self-employment. This rule making, in conjunction with the authorizing legislation (2022 Iowa Acts, House File 2431), expands current opportunities for sales of homemade food items through the home food processing establishment license and exempts cottage food from state licensing and inspection requirements.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Ashleigh Hackel  
Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [ashleigh.hackel@dia.iowa.gov](mailto:ashleigh.hackel@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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making action is proposed:

Rescind 481—Chapter 34 and adopt the following **new** chapter in lieu thereof:

CHAPTER 34  
HOME FOOD PROCESSING ESTABLISHMENTS

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

**481—34.1(137D) Definitions.** As used in this chapter, unless the context otherwise requires:

*“Acidified foods”* means low-acid foods to which an acid or high-acid food is added. Acidified foods have a water activity ( $a_w$ ) greater than 0.85 and have a finished equilibrium pH of 4.60 or below. These foods may be called or may purport to be “pickles” or “pickled.”

*“Active water”* or *“water activity”* or *“(a<sub>w</sub>)”* means the measured free moisture in a food. The quotient of the water vapor pressure of the food divided by the vapor pressure of pure water at the same temperature provides the measured free moisture in the food.

*“Adulterated”* means the same as stated in the Federal Food, Drug and Cosmetic Act, Section 402.

*“Allergen cross contact”* means the unintentional incorporation of a food allergen into a food.

*“Contractor”* means a municipal corporation, county, or other political subdivision that contracts with the department to license and inspect under Iowa Code chapter 137D. A list of contractors is maintained on the department’s website.

*“Cross contamination”* means the inadvertent transfer of bacteria or other contaminants from one surface, substance, etc., to another, especially because of unsanitary handling procedures.

*“Demonstrate control”* means the ability to provide clear and convincing evidence that a home food processing establishment has implemented written standard processes and practices that are intended to control food safety hazards including but not limited to standardized recipes, standard operating procedures, personal hygiene standards, temperature monitoring records, equipment calibration records, production or batch records, sanitation records, predefined corrective actions, training documents, distribution records, and receiving records.

*“Department”* means the department of inspections and appeals.

*“Equilibrium pH”* means the final pH measured in a food after all the components of the food have achieved the same acidity.

*“Fermentation”* means a metabolic process in which an organism converts a carbohydrate, such as starch or a sugar, into an alcohol or an acid. For example, yeast performs fermentation by converting sugar into alcohol. Bacteria perform fermentation by converting carbohydrates into lactic acid.

*“Fish”* means fresh or saltwater finfish, crustaceans, and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.

*“Food”* means the same as defined in Iowa Code chapter 137F.

*“Food contact surface”* means a surface of equipment or utensil with which food normally comes into contact; or a surface of equipment or utensil from which food may drip, drain, or splash into a food or onto a surface normally in contact with food.

*“Game animal”* means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 or as poultry or fish.

1. “Game animal” includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.

2. “Game animal” does not include ratites.

*“HACCP plan”* means a written document that delineates the formal procedures for following the hazard analysis and critical control point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

*“High-acid food”* means a food that has an equilibrium pH of 4.60 or lower without the addition of an acid.

*“Home food processing establishment”* means a business on the premises of a residence in which homemade food items are produced for sale or resale, for consumption off the premises, if the business has gross annual sales of less than \$50,000. However, “home food processing establishment” does not include a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations.

*“Homemade food item”* means a food that is produced and, if packaged, packaged in a home food processing establishment. “Homemade food item” includes food that is not time/temperature control for safety food but does not include such food if it is produced and sold under Iowa Code section 137F.20. Homemade food items do not include the following:



## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

1. Unpasteurized fruit or vegetable juice;
2. Raw sprout seeds;
3. Foods containing game animals;
4. Fish or shellfish;
5. Alcoholic beverages;
6. Bottled water;
7. Packaged ice;
8. Consumable hemp products;
9. Food that will be further processed by a food processing plant or another home food processing establishment;
10. Time/temperature control for safety food packaged using a reduced oxygen packaging method;
11. Milk or milk products regulated under Iowa Code chapters 192 and 194;
12. Meat or meat food products, and poultry or poultry products regulated under Iowa Code chapter 189A, except for any of the following products when sold directly to the end consumer:
  - Poultry, poultry byproduct, or poultry food product if the producer raised the poultry pursuant to the exemption set forth in 9 CFR 381.10(c)(1) limiting the producer to slaughtering not more than one thousand poultry during the calendar year;
  - Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to 9 CFR 381.10(d); or
  - Meat, meat byproduct, or meat food product if the meat is from an inspected source exempted pursuant to 9 CFR 303.1(d); or
13. A raw agricultural commodity.

*“Low-acid canned food”* means a thermally processed low-acid food packaged in a hermetically sealed container.

*“Low-acid food”* means any food, other than alcoholic beverages, with a pH greater than 4.60 and ( $a_w$ ) greater than 0.85.

*“Made-to-order food”* means foods that are customarily provided by restaurants, snack bars, cafeterias or catering operations that are regularly prepared immediately upon an order; promptly served, delivered, or otherwise provided to a consumer; and intended for immediate consumption. Made-to-order food does not include meal kits, foods that have been prepared and then cooled, or other packaged foods that are provided to the consumer in a refrigerated or frozen state.

*“Major food allergen”* means milk, egg, fish (such as bass, flounder, or cod), crustacean shellfish (such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, soybeans, and sesame; or a food ingredient that contains protein derived from these foods.

*“Packaged”* means bottled, canned, cartoned, bagged, or wrapped. “Packaged” does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, upon consumer request.

*“pH”* means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between 0 and 7 indicate acidity, and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.

*“Produce”* means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, freezing, dehydrating, growing, raising, or other process. “Produce” does not include the following preparation methods:

1. Low-acid canning;
2. Acidification;
3. Curing food; or
4. Smoking for preservation rather than flavor enhancement.

*“Raw agricultural commodity”* means any food in its raw or natural state, including all fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

*“Ready-to-eat food”* means any food that is normally eaten in its raw state or any other food, including a processed food, for which it is reasonably foreseeable that the food will be eaten without further processing that would significantly minimize biological hazards.

*“Recall”* means an action taken when a food producer takes a product off the market because there is reason to believe the product may cause consumers to become ill. In some situations, government agencies may request a food recall. Food recalls may happen for many reasons, including but not limited to:

1. Discovery of organisms, including bacteria such as Salmonella or parasites such as Cyclospora;
2. Discovery of foreign objects such as broken glass or metal; or
3. Discovery of a major allergen that does not appear on the product label.

*“Reduced oxygen packaging”* means reducing the amount of oxygen in a package by removing oxygen, displacing oxygen and replacing it with another gas or combination of gases, or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21 percent at sea level). Reduced oxygen packaging includes vacuum packaging, modified atmosphere packaging, controlled atmosphere packaging, cook chill packaging, and sous vide packaging.

*“Revoke”* means to void or annul by recalling or withdrawing a license issued under Iowa Code chapter 137D. The entire application process, including the payment of applicable license fees, shall be repeated to regain a valid license following a revocation.

*“Shellfish”*

1. “Crustacean shellfish” means crab, lobster and shrimp.
2. “Molluscan shellfish” means any edible species of oysters, clams, mussels, or scallops.

*“Special dietary use food”* includes a food that contains an artificial sweetener, except when specifically and solely used for achieving a physical characteristic in the food that cannot be achieved with sugar or other nutritive sweetener. In addition, “special dietary use food” means a food that is used for the following:

1. Supplying particular dietary needs that exist by reason of a physical, physiological, pathological, or other condition including but not limited to the conditions of diseases, convalescence, pregnancy, lactation, allergic hypersensitivity to food, underweight, and overweight;
2. Supplying particular dietary needs that exist by reason of age including but not limited to the ages of infancy and childhood; or
3. Supplementing or fortifying the ordinary or usual diet with any vitamin, mineral, or other dietary property. Any such particular use of a food is a special dietary use, regardless of whether such food also purports to be or is represented for general use.

*“Sprouts”* means seeds or beans used to grow sprouts that are harvested with their seed or root intact.

*“Standardized recipe”* means a recipe that has been tried, adapted, and retried several times for use by a given food service operation and has been found to produce the same good results and yield every time when the exact procedures are followed with the same type of equipment and same quantity and quality of ingredients. At a minimum, a standardized recipe includes the recipe name, listing of each ingredient, a measurement of each ingredient, equipment and utensils used, preparation instructions, and procedures to ensure the safety of the food.

*“Suspend”* means to render a license issued under Iowa Code chapter 137D invalid for a period of time, with the intent of resuming the validity of a license at the end of that period.

*“Time/temperature control for safety”* or *“TTCS”* means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation. TTCS food does not include foods that have an equilibrium pH less than 4.60 or an active water ( $a_w$ ) content below 0.85. Examples of TTCS foods include:

1. Animal food that is raw or heat-treated.
2. Plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or garlic-in-oil mixtures.

*“Traceback”* means to determine and document the distribution and production chain, and the source(s) of a product that has been implicated in a foodborne illness investigation.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

**481—34.2(137D) Licensing.**

**34.2(1) *Application for license.*** A person shall not operate a home food processing establishment until a license has been obtained from the department. Application for a license shall be made on a form furnished by the department containing the name of the business, name of the owner, physical address of the business, and list of all homemade food items the home food processing establishment intends to prepare. Applications shall be completed using the department's online application system unless extenuating circumstances exist that prevent the applicant from completing the online application. Paper applications are available from the Department of Inspections and Appeals, Food and Consumer Safety Bureau, Lucas State Office Building, Des Moines, Iowa 50319-0083, or from the department's contractors. An application for a license shall be submitted 30 days prior to the anticipated opening of the home food processing establishment.

**34.2(2) *Homemade food item disclosure.*** Homemade food items not listed on the application shall not be sold or distributed. New homemade food items may be added to an application at any time using the online application system or by submission of a paper form to the department.

**34.2(3) *Transferability.*** A license is not transferable to a new owner or location. Any change in business ownership or business location requires a new license.

**34.2(4) *Refunds.*** License fees are refundable only if the license is surrendered to the department prior to the effective date of the license. License fees are not refundable for a new home food processing establishment if an inspection has occurred.

**34.2(5) *Expiration and renewal.*** A home food processing establishment license, unless sooner suspended or revoked, shall expire one year after the application for license is approved by the department. A home food processing establishment license shall be renewed annually through the department's online registration system, accompanied by the required fee, prior to expiration.

**34.2(6) *Renewal 60 days or more after expiration.*** A delinquent license shall only be renewed if application for renewal is made within 60 days of expiration of the license. If a delinquent license is not renewed within 60 days, an establishment shall apply for a new license and meet all of the requirements for an initial license. An establishment that has not renewed the license within 60 days of the expiration of the license shall be closed by the department or a contractor. An establishment shall not be reopened until a new license has been submitted and approved.

**34.2(7) *Documentation of gross sales.*** The license holder shall maintain documentation of annual gross sales of homemade food items. The documentation shall be provided to the regulatory authority upon request. The documentation submitted by the license holder will be kept confidential. Documentation shall include at least one of the following:

- a. A copy of the establishment's business tax return;
- b. Four quarters of gross sales of homemade food items;
- c. A letter from an independent tax preparer; or
- d. Other records documenting annual gross sales of homemade food items.

**34.2(8) *Returned payments.*** The department will attempt to redeem a payment submitted for an establishment that is not honored by the bank on which it is drafted. The department will notify the applicant of the need to provide sufficient payment. An additional fee of \$25 shall be assessed for each dishonored payment. If the department does not receive payment, the establishment will be operating without a valid license.

**481—34.3(137D) Physical facilities and equipment.**

**34.3(1)** The floors, walls, ceilings, utensils, equipment, and supplies in the food processing and storage areas, and all vehicles used in the transportation of homemade food items, shall be maintained clean and in good repair.

**34.3(2)** Outer openings shall be protected by tight fitting doors, windows, or screens.

**34.3(3)** Dogs, cats, or other pets and animals shall be excluded from entering rooms where food is processed or stored, even when homemade food items are not being produced.

**34.3(4)** Persons unnecessary to the production of homemade food items may not be allowed in food processing areas while homemade food items are exposed or being produced.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

**34.3(5)** Adequate lighting and ventilation shall be available in all areas where food is processed or stored.

**34.3(6)** An establishment shall have an adequate supply of hot and cold potable water under pressure from an approved and safe source. In addition:

- a. There shall be no direct or indirect connection of safe and unsafe water;
- b. If the residence is not served by a public water system, the water shall be tested at least annually for nitrates and coliforms;
- c. In the event a water test shows coliforms are present or nitrates are at an unsafe level, the home food processing establishment shall cease operations and notify the regulatory authority. The home food processing establishment may not resume operations until approved by the regulatory authority; and
- d. In the event a home food processing establishment's water source is under a water advisory indicating the water may be unsafe to consume, the home food processing establishment shall not produce homemade food items until the advisory is lifted.

**34.3(7)** There shall be a conveniently located sink in each food processing area that is maintained clean and accessible for handwashing during production and packaging. The sink shall be supplied with hot and cold running water, hand soap, and sanitary towels.

**34.3(8)** An establishment shall have adequate equipment, such as a sink or dishwasher, to wash, rinse, and sanitize utensils.

**34.3(9)** An establishment shall have proper and conveniently located toilet facilities, equipped with a hand-washing sink, complete with hot and cold potable water under pressure and hand soap. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near the hand-washing sink.

**34.3(10)** All waste and waste water produced by the home food processing establishment shall be disposed of in a sanitary manner in compliance with applicable laws. In the event the home food processing establishment has a waste backup, the home food processing establishment shall cease operation and notify the regulatory authority. The home food processing establishment may not resume preparation of homemade food items until approved by the regulatory authority.

**34.3(11)** All garbage and refuse shall be kept in containers and removed from the premises regularly to eliminate insects and rodents, offensive odors, or other health hazards. Garbage and refuse containers shall be durable, easy to clean, insect- and rodent-resistant, and of material that neither leaks nor absorbs liquid.

**34.3(12)** Food processing and storage areas shall be free of pests. Pesticides, if used, shall be approved for use in commercial food establishments, clearly labeled, and used as directed by the manufacturer.

**34.3(13)** Hazardous chemicals or other toxic materials shall be stored, applied and used as directed by the manufacturer in a manner that protects food, equipment, and food contact surfaces from contamination.

**34.3(14)** Refrigeration design and capacity shall be adequate to maintain safe temperature control including safe cooling temperatures, prevent cross contamination, prevent allergen cross contact, and protect food from other sources of contamination. Dedicated refrigeration may be required for homemade food items if deemed necessary by the regulatory authority.

**34.3(15)** All refrigeration units shall be equipped with an accurate thermometer.

**34.3(16)** Appropriate thermometers shall be used to accurately measure the internal temperature of food during processing and storage.

**34.3(17)** All food contact surfaces shall be intended for use with food, made of safe materials, easy to clean, smooth, nonabsorbent, and noncorrosive.

**481—34.4(137D) Management and personnel.**

**34.4(1)** *Person in charge.* There shall be a person in charge of operations during all hours of food processing who has a thorough understanding of food safety principles and is able to demonstrate control over food safety hazards including:

- a. Time/temperature controls for cooking, hot holding, cooling, cold holding, and reheating foods;

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

- b. Cross contamination during storage and preparation;
- c. Major food allergens and allergen cross contact;
- d. Sanitation of food contact surfaces;
- e. Food handling, hygienic practices, and communicable diseases;
- f. Receiving and distribution; and
- g. If applicable, pH and ( $a_w$ ).

**34.4(2) *Food safety training.*** The person in charge shall attend a food safety training course approved by the department and provide proof of attendance prior to the issuance of a home food processing establishment license.

**34.4(3) *Exclusions from handling food.*** Food handlers shall be excluded from handling food, utensils, or packaging materials in the following instances:

- a. If they are diagnosed with a communicable or contagious disease that can be transmitted through food;
- b. If they have experienced diarrhea or vomiting in the past 24 hours;
- c. If they are jaundiced;
- d. If they have a sore throat with a fever; or
- e. If they have exposed sores or infected wounds on their hands or arms.

**34.4(4) *Hygienic practices.***

- a. All food handlers must keep themselves and their clothing clean, hair must be effectively restrained, and hands must be washed as often as necessary to protect food and food contact surfaces from contamination;
- b. Ready-to-eat foods must not be handled with bare hands; and
- c. Eating, drinking, and use of tobacco is prohibited in food processing areas while homemade food items are exposed or being produced.

**481—34.5(137D) Receiving, storage, and distribution.**

**34.5(1) *Receiving.*** All foods and ingredients shall be obtained from an approved facility, and those foods shall have been produced in compliance with applicable law. Honey from an unlicensed establishment and eggs from the home food processing establishment's own flock may be used in the preparation of homemade food items. All food shall be received in sound condition; at safe temperatures; free from spoilage, filth, or other contamination; unadulterated; and safe for human consumption.

**34.5(2) *Storage.*** Food storage areas shall be clean and located in an area which protects the food from contamination at all times. All food products shall be stored off of the floor. If removed from the original container, foods shall be stored in labeled and closed containers. Containers shall be of a material that will not cause the food to become adulterated.

**34.5(3) *Distribution.***

- a. Foods containing raw or undercooked foods of animal origin may not be sold or distributed in a ready-to-eat form.
- b. Foods produced in a home food processing establishment shall not be distributed for further processing by a food processing plant or another home food processing establishment.
- c. Time/temperature control for safety homemade food items shall not be distributed or otherwise provided to a business or end consumer at any temperature above 41°F.
- d. A home food processing establishment shall not distribute made-to-order foods.
- e. Time/temperature control for safety homemade food items shall be maintained at or below 41°F during shipping and transportation.
- f. No one may produce, distribute, offer for sale, or provide adulterated food to the public. Adulterated food shall be disposed of in a reasonable manner as determined by the department.

**481—34.6(137D) Food preparation and protection.**

**34.6(1) *Food protection.*** Foods shall be processed, stored, and distributed in a manner that protects food from contamination, including cross contamination and contamination from the environment.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

Foods containing one or more major food allergens shall be processed, stored, and distributed in a manner that prevents allergen cross contact.

**34.6(2) *Cooking.*** All animal foods or foods containing animal products, if cooked, shall be cooked to an internal temperature sufficient to destroy organisms which are injurious to health. Homemade food items shall not contain raw or undercooked animal foods except for packaged raw meat or poultry items labeled with safe handling instructions informing the consumer how to safely store, prepare, and handle raw meat and poultry products in the home.

**34.6(3)  *Holding.*** All time/temperature control for safety foods shall be held at an internal temperature of 41°F or less or 135°F or higher to control bacterial growth or toxin formation.

**34.6(4) *Cooling.***

*a.* Time/temperature control for safety foods that have been heat-treated shall be cooled from 135°F to 70°F within two hours and from 70°F to 41°F within an additional four hours. Total cooling time shall not exceed six hours.

*b.* Time/temperature control for safety foods prepared with ingredients above 41°F shall be cooled to 41°F or below within four hours from the beginning of preparation.

**34.6(5) *Reheating.***

*a.* Homemade food items that are time/temperature control for safety and have been previously heated and cooled shall be reheated to an internal temperature of 165°F within two hours or less.

*b.* Commercially processed time/temperature control for safety foods shall be reheated to 135°F within two hours or less.

**34.6(6) *Preparation methods.***

*a.* High-acid foods that are produced and sold under the home food processing establishment license and that are controlled by pH such as barbeque sauce, condiments, and dressings may be produced as homemade food items if:

- (1) The products have been produced following a standardized recipe;
- (2) The product does not contain more than 10 percent low-acid food ingredients by weight;
- (3) The product recipe including the name and weight of each ingredient is submitted and approved by the regulatory authority;
- (4) The equilibrium pH of each batch is tested with a calibrated pH tester designed for use with food. The pH shall be below 4.60, and the pH value shall be recorded on a production or batch record; and

(5) The product is adequately heated to destroy spoilage organisms.

*b.* Dried foods that are produced and sold under the home food processing establishment license that are controlled by active water ( $a_w$ ) such as dehydrated or freeze-dried food may be produced as a homemade food item if:

- (1) The products have been produced following a standardized recipe;
- (2) The homemade food items do not contain raw or undercooked foods of animal origin;
- (3) Each batch is tested for active water ( $a_w$ ) or the standardized written procedure for each homemade food item has been validated to ensure the final product is at or below 0.85 ( $a_w$ ).

*c.* Jams, jellies, preserves, and fruit butters that are produced and sold under the home food processing establishment license shall meet the standard of identity specified in 21 CFR Part 150 and be produced following a standardized recipe. The home food processing establishment shall provide documentation, such as an analysis from an accredited food laboratory, that a product meets the standard of identity when requested by the regulatory authority.

*d.* Nonstandardized fruit jellies shall be produced following a standardized recipe and made with 45 parts of fruit to 55 parts of sugar and concentrated to 65 percent soluble solids. The home food processing establishment shall provide documentation, such as an analysis from an accredited food laboratory, that a product meets this requirement when requested by the regulatory authority.

*e.* Nonstandardized nonfruit jellies shall be produced following a standardized recipe and shall have a soluble solids content of 65 percent. The home food processing establishment shall provide documentation, such as an analysis from an accredited food laboratory, that a product meets this requirement when requested by the regulatory authority.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

*f.* Standardized sweeteners and table syrups shall meet the standard of identity specified in 21 CFR Part 168. The home food processing establishment shall provide documentation that a product meets this requirement when requested by the regulatory authority.

*g.* A home food processing establishment that wishes to prepare foods using fermentation shall submit a HACCP plan to the department that has been validated by a recognized process authority. A list of recognized process authorities is maintained on the department's website. A home food processing establishment shall not ferment food until the department has approved the HACCP plan.

*h.* A home food processing establishment shall not engage in the following processes to produce homemade food items:

- (1) Low-acid canning (e.g., canned vegetables);
- (2) Acidification to produce shelf-stable acidified foods (e.g., salsa, pickled vegetables, hot sauce);
- (3) Curing (e.g., bacon, jerky, meat sticks); or
- (4) Smoking food for preservation rather than flavor enhancement.

**481—34.7(137D) Packaging and labeling requirements.**

**34.7(1) *Legible labels.*** All required labeling information shall be legibly written or printed on the label in a location that is easily identifiable by the consumer.

**34.7(2) *Labels and packaging on homemade food items, exception.*** A homemade food item shall be packaged in the home food processing establishment, and all required labeling shall be affixed to the homemade food item before it is delivered to the consumer, with the exception of a homemade food item picked up by the consumer in person at the home food processing establishment. In the case of the exception, the homemade food item shall still be protected from contamination and all required labeling information shall be provided to the consumer.

**34.7(3) *Raw meat and poultry products.*** Packaged homemade food items that contain raw meat or poultry shall be labeled with safe handling instructions informing the consumer how to safely store, prepare, and handle raw meat and poultry products in the home.

**34.7(4) *Expiration date.*** Refrigerated time/temperature control for safety homemade food items that are ready-to-eat foods shall be labeled with an expiration date not to exceed seven days from the date of preparation, and the date of preparation is counted as day one. Time/temperature control for safety homemade food items may be labeled with an expiration date that exceeds seven days if the expiration date has been determined to be safe by an accredited food science institution and documentation is provided to the regulatory authority upon request.

**34.7(5) *Contents.***

*a.* A home food processing establishment shall label homemade food items with all of the following information:

(1) The name or license number of the home food processing establishment. If the name used on the label is different from the name stated on the issued home food processing establishment license, the license number shall be included in the labeling.

(2) The common or usual name of the food.

(3) The ingredients (including sub-ingredients) of the homemade food item in descending order of predominance by weight.

(4) The net quantity of contents (weight, volume, or numeric count).

(5) For refrigerated time/temperature control for safety foods, an expiration date based on food safety.

(6) The following statement: "This product was produced at a home food processing establishment."

(7) If the homemade food item contains one or more major food allergens, an additional allergen statement identifying each major allergen contained in the food by the common name of the allergen.

(8) Labeling statements. Labels or other marketing materials associated with homemade food items must be truthful and not misleading.

*b.* Claims on labels or other marketing materials associated with homemade food items that are related to the following must conform to the United States Food and Drug Administration's (FDA's)

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

Food Labeling Guide. A link to the labeling guide may be found on the department's website or on the FDA's website.

- (1) Health claims;
- (2) Qualified health claims;
- (3) Nutrient content claims (i.e., low sodium, high fiber, low fat, sugar free); or
- (4) Structure/function claims.

*c.* Homemade food items labeled or marketed as a special dietary use food must conform to 21 CFR Part 105. The home food processing establishment shall provide documentation, such as a nutritional analysis by an accredited food laboratory, to the regulatory authority upon request.

*d.* Labels or other marketing materials shall not contain any claims that the homemade food item can be used in the diagnosis, cure, mitigation, treatment, or prevention of disease.

**481—34.8(137D) Sanitation.**

**34.8(1)** There shall be sufficient means to clean, rinse, and sanitize all multi-use food contact surfaces. Cleaners and sanitizers used for these purposes shall be intended and approved for use in a commercial food establishment.

**34.8(2)** All food contact surfaces shall be clean to sight and touch when not in use.

**34.8(3)** All food contact surfaces shall be cleaned and sanitized:

- a.* Between each use;
- b.* At least every four hours if under continuous use to control microbial growth;
- c.* At a frequency necessary to prevent cross contamination; and
- d.* At a frequency necessary to prevent allergen cross contact.

**34.8(4)** If chemical sanitizers are used, they shall be used according to the manufacturer directions for use and a means shall be provided for testing the proper level of chemical concentration, such as test strips designed specifically for the chemical being used.

**34.8(5)** Food processing, handling, and storage areas shall be neat; clean; and free from excessive accumulation of product, dust, trash, and unnecessary articles.

**481—34.9(137D) Maintenance of records by licensee.**

**34.9(1)** A home food processing establishment shall maintain standardized recipes for each homemade food item.

**34.9(2)** For recall and traceback purposes, a home food processing establishment shall maintain production or batch records that include, at a minimum, product name, date of production, and date of packaging.

**34.9(3)** For recall and traceback purposes, a home food processing establishment shall maintain records of foods received as ingredients. Records shall include, at a minimum, the name and address of the supplier, name of the ingredient, and date received. A receipt of purchase is a sufficient record if it contains all of the required information.

**34.9(4)** For recall and traceback purposes, a home food processing establishment shall maintain distribution records of all homemade food items that are distributed for resale. The distribution records shall contain the product name, the name and address of the business where the homemade food items were distributed, the date distributed, the quantity distributed, and the date the homemade food item was produced.

**34.9(5)** A license holder whose home food processing establishment is not served by a public water system shall maintain records of annual water tests.

**34.9(6)** If the home food processing establishment produces homemade food items that require food safety parameters to be monitored throughout production, such as temperature, pH, or ( $a_w$ ), the testing instruments shall be used as directed by the manufacturer and calibrated for accuracy according to the manufacturer's instructions. Monitoring results shall be documented as part of the batch record.

**34.9(7)** A license holder shall maintain all required records for a minimum of six months. All required records shall be made available for official review or copying upon request by the regulatory authority.



## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

**481—34.10(137D) Violations and enforcement.**

**34.10(1)** All violations shall be corrected within a time frame not to exceed 90 days. The license holder shall make a written report to the regulatory authority, stating the action taken to correct the violation, within five days of correction.

**34.10(2)** Violation of these rules or any provision of Iowa Code chapter 137D shall be subject to a civil penalty in the amount of \$100 per violation. Each day that the violation continues constitutes a separate violation.

**34.10(3)** The department may employ various remedies if violations are discovered including, but not limited to:

- a. Suspension or revocation of the license;
- b. Issuance of a civil penalty;
- c. Injunction; or
- d. Issuance of an embargo, a stop-sale, or recall orders.

**481—34.11(137D) Denial, suspension, or revocation of license.**

**34.11(1)** *Denial, suspension, or revocation of a license.* Unless otherwise stated, notice of denial, suspension, or revocation of a license will be provided by the department and shall be effective 30 days after mailing or personal service of the notice. The department may suspend or revoke a license issued pursuant to this chapter if any of the following occurs:

a. The home food processing establishment does not conform to a provision of this chapter or a rule adopted pursuant to this chapter.

b. The license holder conducts an activity constituting a criminal offense in the home food processing establishment and is convicted of a serious misdemeanor or a more serious offense as a result. A certified copy of the final order or judgment of conviction or plea of guilty shall be conclusive evidence of the conviction of the license holder.

c. A deferred judgment shall be considered a conviction for purposes of this rule.

**34.11(2)** *Immediate suspension of license.* To the extent not inconsistent with Iowa Code chapters 17A and 137D and rules adopted pursuant to those chapters, the department or contractor may immediately suspend a license in cases of an imminent health hazard, as defined by chapter 8 of the 2017 FDA Food Code (the “food code”). The procedures of Iowa Code section 17A.18A and chapter 8 of the food code shall be followed in cases of an imminent health hazard.

**34.11(3)** *Contesting denial, suspension, or revocation of license.* The department’s decision to deny, suspend, or revoke a license may be contested by the adversely affected party pursuant to the provisions of rule 481—34.14(137D).

**481—34.12(137D) Inspection and access to records.**

**34.12(1)** The department shall provide for periodic inspection of a home food processing establishment, either in person or virtually through use of video technology. The inspection frequency for a home food processing establishment shall be based upon a risk assessment.

**34.12(2)** The inspector may enter the home food processing establishment at any reasonable hour to make the inspection. The department shall inspect only those areas related to preparing or storing food for sale. The manager or person in charge of the home food processing establishment shall afford free access to records and every part of the premises where homemade food items and ingredients are stored or prepared and shall render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection.

**481—34.13(137D) Public examination of records.**

**34.13(1)** *Public information.* Generally, information collected by the food and consumer safety bureau and contractors is considered public information. Records are stored in computer files and are not matched with any other data system. Inspection reports are available for public viewing at [iowa.safefoodinspection.com](http://iowa.safefoodinspection.com). Other information is available for public review and will be provided when requested from the department.

## INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

**34.13(2) Confidential information.**

*a.* The following are examples of confidential records:

- (1) Trade secrets and proprietary information including items such as formulations, standardized recipes, processes, policies and procedures, and customer lists;
- (2) Health information related to foodborne illness complaints and outbreaks;
- (3) The name or any identifying information of a person who files a complaint with the department; and
- (4) Other state or federal agencies' records.

*b.* A party claiming that information submitted to the department contains trade secrets or proprietary information should clearly mark those portions of the submission as confidential/trade secret.

**34.13(3) Other agencies' records.** For records of other state or federal agencies, the department shall refer the requester of such information to the appropriate agency.

**481—34.14(137D) Appeals.**

**34.14(1)** All decisions of the food and consumer safety bureau may be contested by an adversely affected party. A request for a hearing shall be made in writing to the Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083, within 30 days of the mailing or service of a decision. Appeals and hearings are controlled by 481—Chapter 9.

**34.14(2)** For contractors, license holders shall have the opportunity for a hearing before the local board of health. If the hearing is conducted before the local board of health, the license holder may appeal to the department and shall follow the process for review in rule 481—9.3(10A,17A).

These rules are intended to implement Iowa Code chapter 137D as amended by 2022 Iowa Acts, House File 2431.

**ARC 6445C****LOTTERY AUTHORITY, IOWA[531]****Notice of Intended Action****Proposing rule making related to licensing and providing an opportunity for public comment**

The Board of Directors of the Iowa Lottery Authority hereby proposes to amend Chapter 12, "Licensing," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 99G.9(3).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 99G.24 and 272D.8.

*Purpose and Summary*

This proposed rule making reflects changes related to the Authority's five-year rules review.

The purpose of these amendments is to align the Authority's rules with Iowa Code chapter 272D. These amendments include updating the Authority's license eligibility criteria to deny or suspend a license if the Authority has received a certificate of noncompliance regarding an applicant or licensee from the centralized collection unit of the Iowa Department of Revenue.

These amendments also remove references to the Iowa Code Supplement.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

LOTTERY AUTHORITY, IOWA[531](cont'd)

*Jobs Impact*

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

*Waivers*

No waiver provision is included because Iowa Code section 272D.8 does not provide for one.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Authority no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Megan Tooker  
Iowa Lottery Authority  
13001 University Avenue  
Clive, Iowa 50325-8225  
Phone: 515.725.7851  
Email: [mtooker@ialottery.com](mailto:mtooker@ialottery.com)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend rule 531—12.1(99G,252J), parenthetical implementation statute, as follows:

**531—12.1(99G,252J,272D) License eligibility criteria.**

ITEM 2. Adopt the following **new** subrule 12.1(4):

**12.1(4)** The lottery will deny a license to any applicant defined by this chapter if the lottery has received a certificate of noncompliance from the centralized collection unit of the department of revenue with regard to the individual, until the unit furnishes the lottery with a withdrawal of the certificate of noncompliance.

ITEM 3. Amend rule **531—12.1(99G,252J)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 99G.7(1), 99G.9(3), 99G.21(2), 99G.24, 252J.2 and Iowa Code Supplement sections 99G.7(1), 99G.9(3), 99G.21(2), and 99G.24, and 272D.8.

ITEM 4. Amend rule 531—12.4(99G,252J), parenthetical implementation statute, as follows:

**531—12.4(99G,252J,272D) Lottery licenses.**

LOTTERY AUTHORITY, IOWA[531](cont'd)

ITEM 5. Amend subrule 12.4(7) as follows:

**12.4(7)** The lottery will grant, deny, or place on hold all applications within 60 days of acceptance of an application. Applications placed on hold shall be considered denied for purposes of appeal.

a. If an application is denied because the lottery has received a certificate of noncompliance from the child support recovery unit in regard to an individual, the effective date of denial of the issuance of the license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service of the notice upon the applicant.

b. If an application is denied because the lottery has received a certificate of noncompliance from the centralized collections unit of the department of revenue regarding an applicant or person as defined by this chapter, the effective date of denial of the issuance of the license, as specified in the notice required by Iowa Code section 272D.8, shall be 60 days following service of the notice upon the applicant.

ITEM 6. Amend rule **531—12.4(99G,252J)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 99G.7, 99G.9(3), 99G.21(2), 99G.24, 99G.30, 252J.2, and 252J.8 and ~~Iowa Code Supplement sections 99G.7, 99G.9(3), 99G.21(2), 99G.24, and 99G.30, and 272D.8.~~

ITEM 7. Amend rule 531—12.12(99G,252J), parenthetical implementation statute, as follows:

**531—12.12(99G,252J,272D) Suspension or revocation of a license.**

ITEM 8. Adopt the following new paragraph **12.12(1)“v”**:

v. When the lottery receives a certificate of noncompliance from the centralized collection unit of the department of revenue in regard to nonpayment of a state debt, unless the unit furnishes the lottery with a withdrawal of the certificate of noncompliance. This paragraph applies both to sole proprietorships and to persons with the requisite ownership interest in or relation to any other organized business entity as set forth in 531—12.3(99G). This paragraph applies in addition to the procedures set forth in Iowa Code chapter 272D.

ITEM 9. Amend subrules 12.12(2) and 12.12(3) as follows:

**12.12(2)** The effective date of revocation or suspension of a license, or denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service of the notice upon the licensee. All The effective date of revocation or suspension of a license, or denial of the issuance or renewal of a license, for nonpayment of state debt, as specified in the notice required by Iowa Code section 272D.8, shall be 60 days following service of the notice upon the licensee. The effective date for all other notices of revocation or suspension shall be 20 days following service upon a licensee.

**12.12(3)** If a retailer’s license is suspended for more than 180 days from the effective date of the suspension, the lottery will revoke the retailer’s license upon 15 days’ notice served in conformance with 531—12.13(99G,252J,272D).

ITEM 10. Amend rule **531—12.12(99G,252J)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 99G.9(3), 99G.21(2), 99G.24, 99G.27, 99G.30(3), 99G.35, 252J.8, and Iowa Code Supplement sections 99G.9(3), 99G.21(2), 99G.24, 99G.27, 99G.30(3), and 99G.35 272D.8(2).

ITEM 11. Amend rule 531—12.13(99G,252J) as follows:

**531—12.13(99G,252J,272D) Methods of service.**

**12.13(1)** The notice required by Iowa Code section 252J.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

**12.13(2)** The notice required by Iowa Code section 272D.8 shall be served upon the licensee by certified mail, return receipt requested; by personal service in accordance with Iowa Rule of Civil

LOTTERY AUTHORITY, IOWA[531](cont'd)

Procedure 1.305; or through authorized counsel. Alternatively, the licensee may accept service personally or through authorized counsel.

**12.13(3)** Notice of a license revocation or a suspension for the reasons described in 531—12.12(99G,252J,272D) shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel. The notice shall set forth the reasons for the suspension or revocation and provide for an opportunity for a hearing. If requested by the licensee, a hearing on the suspension or revocation shall be held within 180 days or less after the notice has been served.

This rule is intended to implement Iowa Code ~~section~~ sections 99G.9(3), 99G.21(2), 99G.24, 252J.8 and Iowa Code Supplement sections 99G.9(3), 99G.21(2), and 99G.24, and 272D.8.

ITEM 12. Amend rule 531—12.14(99G,252J) as follows:

**531—12.14(99G,252J,272D) Licensee's obligation.** Licensees and license applicants ~~shall~~ must keep the lottery informed of all court actions and all child support recovery unit actions or centralized collection unit actions taken under or in connection with Iowa Code chapter 252J ~~and shall or 272D.~~ Licensees and applicants must also provide the lottery with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9 or 272D.9, all court orders entered in such actions, and any withdrawals of certificates of noncompliance by the child support recovery unit or centralized collections unit.

This rule is intended to implement Iowa Code ~~section~~ sections 99G.9(3), 99G.21(2), 252J.8 and Iowa Code Supplement sections 99G.9(3) and 99G.21(2), and 272D.8.

ITEM 13. Amend rule 531—12.15(99G,252J) as follows:

**531—12.15(99G,252J,272D) Calculating the effective date.** In the event a licensee or applicant files a timely district court action following service of a lottery notice pursuant to Iowa Code sections 252J.8 and 252J.9 or sections 272D.8 and 272D.9, the lottery shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the lottery to proceed. For purposes of determining the effective date of revocation or suspension, or denial of the issuance or renewal of a license, the lottery shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

This rule is intended to implement Iowa Code sections 99G.9(3), 99G.21(2), 252J.8, and 252J.9 and Iowa Code Supplement sections 99G.9(3) and 99G.21(2), 272D.8, and 272D.9.

**ARC 6461C**

## **MEDICINE BOARD[653]**

### **Notice of Intended Action**

#### **Proposing rule making related to abortion prerequisites and providing an opportunity for public comment**

The Board of Medicine hereby proposes to amend Chapter 13, “Standards of Practice and Principles of Medical Ethics,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 146A.1.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 146A.1.

MEDICINE BOARD[653](cont'd)

*Purpose and Summary*

On June 17, 2022, the Iowa Supreme Court reversed a district court decision enjoining implementation of Iowa Code section 146A.1, which provides for prerequisites for the provision of abortion procedures. This proposed rule making implements Iowa Code section 146A.1. Specifically, this rule making clarifies the written notification requirement for physicians performing abortions.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 653—Chapter 3.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Joseph Fraioli  
Iowa Board of Medicine  
400 SW Eighth Street, Suite C  
Des Moines, Iowa 50309  
Phone: 515.281.3614  
Email: [joseph.fraioli@iowa.gov](mailto:joseph.fraioli@iowa.gov)

*Public Hearing*

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

August 30, 2022  
1 to 2 p.m.

Board Office, Suite H  
400 SW Eighth Street  
Des Moines, Iowa  
Also via videoconference:  
[us02web.zoom.us/j/88138100043?pwd=WlAyMUxtRjZtQndjcjNUQTRpN3Y2UT09](https://us02web.zoom.us/j/88138100043?pwd=WlAyMUxtRjZtQndjcjNUQTRpN3Y2UT09)  
Dial by your location: +1 312 626 6799 US  
(Chicago)

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 rule making.

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 Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's

## MEDICINE BOARD[653](cont'd)

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** rule 653—13.16(146A):

**653—13.16(146A) Abortion prerequisites.**

**13.16(1) Written certification.** At least 24 hours prior to performing an abortion, a physician shall obtain written certification from the pregnant woman of each prerequisite as required in Iowa Code sections 146A.1(1)“a” through 146A.1(1)“d”(1). The written certification shall list each required prerequisite separately and shall include a line for date and signature of the pregnant woman. The physician shall maintain a copy of the certification as part of the pregnant woman’s medical records.

**13.16(2) Exceptions.** This rule shall not apply to abortions performed in a medical emergency, as provided in Iowa Code section 146A.1(2).

**13.16(3) Discipline.** Failure to comply with this rule or the requirements of Iowa Code section 146A.1 may constitute grounds for discipline.

This rule is intended to implement Iowa Code section 146A.1.

**ARC 6459C**

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rule making related to initial licensure and licensure reactivation  
and providing an opportunity for public comment**

The Board of Barbering hereby proposes to amend Chapter 21, “Licensure,” and Chapter 24, “Continuing Education for Barbers,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code chapters 158 and 272C and section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 147 and 158.

*Purpose and Summary*

This proposed rule making changes the process of applying for endorsement by requiring an applicant to provide verification of licensure only from the jurisdiction in which the applicant was most recently licensed and disclose public or pending complaints in any other jurisdiction and by removing notary requirements. This rule making also updates the definitions of “hour of continuing education” and “independent study” and removes the requirement for a posttest.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

This rule making expedites initial licensure and licensure reactivation, which supports the Governor’s priorities.

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Venus Vendoures Walsh  
 Professional Licensure Division  
 Iowa Department of Public Health  
 Lucas State Office Building  
 321 East 12th Street  
 Des Moines, Iowa 50319  
 Phone: 515.281.0254  
 Fax: 515.281.3121  
 Email: [venus.vendoures-walsh@idph.iowa.gov](mailto:venus.vendoures-walsh@idph.iowa.gov)

*Public Hearing*

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

August 30, 2022  
 9 to 9:30 a.m.

Fifth Floor Conference Room 526  
 Lucas State Office Building  
 Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

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 Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend paragraph **21.2(1)“f”** as follows:

*f.* An applicant shall provide verification of ~~license(s)~~ license from ~~every~~ the state in which the applicant has most recently been licensed as a barber, sent directly from the ~~state(s)~~ state to the Iowa board of barbering office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction.

ITEM 2. Amend paragraph **21.2(2)“b”** as follows:

*b.* Provide a ~~notarized~~ copy of the certificate or diploma awarded to the applicant from a barber school in the country in which the applicant was educated.



## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 3. Amend subrule 21.16(3) as follows:

**21.16(3)** Provide verification of current competence to practice as a barber by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the ~~license(s)~~ license from ~~every the~~ every the jurisdiction in which the applicant ~~is or has been licensed and is or has~~ most recently been practicing during the time period the Iowa license was inactive, sent directly from the ~~jurisdiction(s)~~ 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 from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of three hours of continuing education that meet the continuing education standards defined in rule 645—24.3(158,272C) 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, an applicant must provide the following:

(1) Verification of the ~~license(s)~~ license from ~~every the~~ every the jurisdiction in which the applicant ~~is or has been licensed and is or has~~ most recently been practicing during the time period the Iowa license was inactive, sent directly from the ~~jurisdiction(s)~~ 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 from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of three hours of continuing education that meet the continuing education standards defined in rule 645—24.3(158,272C) within two years of application for reactivation; ~~and~~ 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.

~~(3) Verification of passing the examinations required by the board within one year immediately prior to reactivation if the applicant does not have a current license and has not been in active practice in the United States during the past five years.~~

ITEM 4. Adopt the following new subrule 21.16(5):

**21.16(5)** Submit a sworn statement of previous barbering practice from an employer or professional associate, detailing places and dates of employment and verifying that the applicant has practiced barbering at least 2,080 hours or taught as the equivalent of a full-time faculty member for at least one of the immediately preceding years during the last two-year time period. Sole proprietors may submit the sworn statement on their own behalf.

ITEM 5. Amend rule **645—24.1(158)**, definitions of "Hour of continuing education" and "Independent study," as follows:

"Hour of continuing education" means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity completing an approved continuing education activity through live, virtual, online or prerecorded means where the instructor provides proof of completion by the licensee as set forth in these rules.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*“Independent study”* means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules ~~and includes a posttest.~~

## **ARC 6438C**

### **PUBLIC HEALTH DEPARTMENT[641]**

#### **Notice of Termination**

#### **Terminating rule making related to congenital and inherited disorders**

The Public Health Department hereby terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on May 18, 2022, as **ARC 6322C**, proposing to amend Chapter 4, “Center for Congenital and Inherited Disorders,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

The above-mentioned rule making is terminated under the authority provided in Iowa Code section 136A.8 and 2022 Iowa Acts, Senate File 2345.

#### *Purpose and Summary*

In an effort to narrow the scope of amendments to Chapter 4 to the requirements in 2022 Iowa Acts, Senate File 2345, the Department has proposed new amendments related to the Center for Congenital and Inherited Disorders in Notice **ARC 6432C**, IAB 7/27/22.

#### *Reason for Termination*

The scope of amendments proposed in **ARC 6322C** were too broad.

#### *Jobs Impact*

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

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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).

## **ARC 6452C**

### **REVENUE DEPARTMENT[701]**

#### **Notice of Intended Action**

#### **Proposing rule making related to general administration and public records requests and providing an opportunity for public comment**

The Revenue Department hereby proposes to rescind Chapter 5, “Public Records and Fair Information Practices,” and adopt a new Chapter 5 with the same title, and to amend Chapter 6, “Organization, Public Inspection,” and Chapter 10, “Interest, Penalty, Exceptions to Penalty, and Jeopardy Assessments,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 421.14.

REVENUE DEPARTMENT[701](cont'd)

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 17A.3.

*Purpose and Summary*

The purpose of this proposed rule making is to update the Department's rules regarding general administration, including public records requests. This rule making will clarify and update Chapters 5 and 6 based on current Departmental practice. Specifically, Item 1 rescinds Chapter 5 and replaces it with an updated and clarified Chapter 5, which reflects current Departmental policies and procedures. Item 2 amends the title of Chapter 6 because the rules related to public inspection are being moved to Chapter 5. Item 3 rescinds rule 701—6.1(17A) on establishment and organization of the Department and replaces it with a rule on the establishment of the Department. Other topics previously covered in rule 701—6.1(17A) have been moved to new rules. Item 4 adopts a new rule 701—6.2(17A) that describes the Department's mission, which was previously described in rule 701—6.1(17A). Item 5 rescinds rule 701—6.3(17A) because the content is better aligned with information in proposed Chapter 5, which includes that content. New rule 701—6.3(17A) describes the Department's office, which was previously covered in rule 701—6.1(17A). Item 6 rescinds rule 701—6.4(17A), which was duplicative of information covered in Chapter 7, and adopts a new rule 701—6.4(17A), which identifies the Department's website. Item 7 rescinds rule 701—6.5(17A), which was duplicative of information covered in Chapter 7, and adopts a new rule 701—6.5(17A), which describes the organization of the Department and replaces information previously covered in rule 701—6.1(17A). Item 8 rescinds rule 701—6.6(422) because the information contained in it was duplicative of Iowa Code section 422.68. Item 9 rescinds rule 701—6.7(68B) because the information contained in it was duplicative of Iowa Code section 68B.4 and of rule 351—6.11(68B). Items 10 and 11, respectively, rescind rule 701—6.8(421) on disaster recovery extensions and create new rule 701—10.8(421), which covers the same information. Disaster recovery extensions are more similar to the content covered in Chapter 10, and this move will make the pertinent information easier to locate.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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—7.28(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Abigail Sills  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50306  
Phone: 515.336.1140  
Email: [abigail.sills@iowa.gov](mailto:abigail.sills@iowa.gov)

REVENUE DEPARTMENT[701](cont'd)

*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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Rescind 701—Chapter 5 and adopt the following new chapter in lieu thereof:

CHAPTER 5  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

**701—5.1(17A,22,421,422) Definitions.** As used in this chapter:

“*Confidential record*” means a record that is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include but are not limited to records or information contained in records that the department is prohibited by law from making available for examination by members of the public; records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record; and confidential state tax information and federal tax information. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Confidential state tax information*” means information that is protected from disclosure by Iowa Code sections 422.20 and 422.72. Confidential state tax information includes but is not limited to state tax returns and return information. Confidential state tax information does not include federal tax information (FTI). If confidential state tax information is contained in a record, that record may also be considered a confidential record protected by Iowa Code chapter 22.

“*Custodian*” means the department, the director of revenue, the department’s public information officer, or a person lawfully delegated authority by the department to act for the department in implementing Iowa Code chapter 22.

“*Department*” means the department of revenue.

“*Federal tax information*” or “*FTI*” means return or return information received directly from the IRS or obtained through an authorized secondary source such as Social Security Administration (SSA), federal Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS) or Centers for Medicare and Medicaid Services (CMS) or another entity acting on behalf of the IRS pursuant to an IRC §6103(p)(2)(B) agreement. Copies of tax returns or return information provided to the department directly by a taxpayer or the taxpayer’s representative or obtained from public information files (e.g., federal tax liens on file with the county clerk, Offers in Compromise available for public inspection, court records) are not considered FTI for the purposes of this chapter.

“*GovConnectIowa*” means the e-services portal of the department.

“*IRC*” means the Internal Revenue Code.

“*IRS*” means the Internal Revenue Service.

“*Open record*” means a record other than a confidential record.

## REVENUE DEPARTMENT[701](cont'd)

“*Personally identifiable information*” means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system. The term “personally identifiable information” includes “personal information” as defined in Iowa Code section 715C.1.

“*Record*” means the whole or a part of a “public record” as defined in Iowa Code section 22.1, that is owned by or in the physical possession of the department. Records include confidential records.

“*Record system*” means any group of records under the control of the department from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. A record system is a “system,” as defined below.

“*Routine use*” means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. “Routine use” includes disclosures required to be made by statute other than the public records laws codified at Iowa Code chapter 22.

“*System*” means any of the following:

1. Computer hardware or software;
2. Computerized processes and procedures;
3. Noncomputerized processes and procedures.

“*Tax administration*” means the administration, management, conduct, direction, and supervision of the execution and application of the state tax laws; means the development and formulation of state tax policy; and includes assessment, collection, enforcement, litigation, publication, and statistical gathering functions.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.2(17A,22,421,422) Statement of policy.** The purpose of this chapter is to facilitate broad public access to open records. It also seeks to facilitate sound department determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. The department is committed to the policies set forth in Iowa Code chapter 22 as well as to the taxpayer confidentiality provisions in Iowa Code chapter 422. Department staff shall cooperate with members of the public in implementing the relevant provisions of Iowa Code chapters 22 and 422.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.3(17A,22,421,422) Requests for public records.**

**5.3(1) Availability of records.** Department records are open for public inspection and copying unless they are confidential or otherwise not subject to public inspection by rule or law. The department is not obligated to create a record if a requested record does not exist.

**5.3(2) Methods for submitting a records request.** Record requests shall be submitted using one of the following methods:

*a.* Mail. Requests by mail should be addressed to: Public Information Officer, Iowa Department of Revenue, P.O. Box 10457, Des Moines, Iowa 50306.

*b.* Electronic submission. Instructions for submitting requests electronically can be found on the department’s website, [tax.iowa.gov](http://tax.iowa.gov).

*c.* Hand delivery. Requests should be hand-delivered to the department of revenue office on the first floor of the Hoover State Office Building, 1305 East Walnut St., Des Moines, Iowa.

*d.* Telephone. Instructions for submitting requests by telephone can be found on the department’s website, [tax.iowa.gov](http://tax.iowa.gov).

**5.3(3) Content of a records request.**

*a.* Requests shall identify the particular records sought by name or description and include the name, address, email, and telephone number of the person requesting the records.

*b.* A person shall not be required to give a reason for requesting an open record. However, if a person requesting a record requests a fee waiver pursuant to paragraph 5.3(6)“*f*,” the department may require the requester to provide information to support granting a fee waiver, including the reason for the records request. Requests for confidential records must comply with this rule and rule

## REVENUE DEPARTMENT[701](cont'd)

701—5.4(17A,22,421,422). Department staff may request additional information from the requester for the purposes of clarification or identification of appropriate documents.

**5.3(4) Response to requests.** Records shall be provided as soon as feasible. Release of an open record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The redaction and request for redaction process in Iowa Code sections 422.20(5) and 422.72(8) and rule 701—7.8(17A) shall be considered a determination of whether a government record is a public record or a confidential record under Iowa Code section 422.8(4) “c.” The custodian shall promptly give notice to the requester of the reason for any delay in providing an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing. The custodian of a record may deny members of the public access to the record only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4) and 22.10(4), that the record is a confidential record, or that its disclosure is prohibited by the order of the director or the director’s designee. Access by members of the public to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of rule 701—5.4(17A,22,421,422) and other applicable provisions of law.

**5.3(5) Security of record.** No person may, without permission from the custodian, search or remove any record from department files. Examination and copying of department records shall be supervised by the custodian or a designee of the custodian. Records shall be protected from damage and disorganization.

**5.3(6) Fees.**

*a. When charged.* Pursuant to Iowa Code section 22.3, the department may charge fees in connection with the search, retrieval, examination, and copying of requested records.

*b. Copying and postage fees.* Price schedules for published materials and for photocopies of records supplied by the department shall be posted on the department’s website. Copies of records may be made for members of the public on department photocopy machines or from electronic storage systems at costs determined and posted on the department’s website. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

*c. Search, retrieval, and examination fee.* An hourly fee may be charged for actual department expenses associated with the search, retrieval, and examination of requested records. The fee shall be based upon the pay scale of the employee involved and other actual costs incurred. The department provides the first two hours of search, retrieval, and examination free of charge.

*d. Estimated fee.* Within a reasonable time after a request is made, the department shall provide to the requester an estimated fee of the actual costs expected to be incurred by the department in fulfilling the request.

*e. Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds \$25, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require advance payment of the full amount of any estimated fee before the custodian processes a new request from that requester.

*f. Fee waivers.* To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.4(17A,22,421,422) Access to confidential records.** Under Iowa Code section 22.7 or other applicable provisions of law, the lawful custodian may disclose certain confidential records to one or more members of the public. Other provisions of law authorize or require the custodian to release specified confidential records under certain circumstances or to particular persons. The procedure governing the request and release of such confidential records is addressed below.

**5.4(1) Procedure.** In requesting the custodian to permit the examination and copying of such confidential records, the following procedures apply and are in addition to those specified for requests for access to records in rule 701—5.3(17A,22,421,422).

## REVENUE DEPARTMENT[701](cont'd)

*a. Form of request.* A person requesting access to confidential records shall submit the request in writing. The department may require the requester to provide additional documentation, including but not limited to proof of identity and authority to secure access to the record. The department may also require the requester to sign a certified statement or affidavit listing the specific reasons justifying access to the record and provide any proof necessary to establish relevant facts.

*b. Response to request.* The department must notify the requester of approval or denial of the request for access. The notice must include:

- (1) The name and title or position of the person responding on behalf of the department; and
- (2) If the request for access is denied, a brief statement of the grounds for denial including a citation to the applicable statute or other provision of law.

*c. Request granted.* When the department grants a request for access to a confidential record to a particular person, the department must notify that person and indicate any lawful restrictions imposed by the department on that person's inspection and copying of the record.

*d. Reconsideration of denial.* A requester whose request is denied by the department may apply to the director for reconsideration of the request.

*e. Persons who must follow procedure.* The procedure described in this subrule must be followed by any person requesting information on delinquent tax, interest, penalty or other confidential information under rule 701—202.12(423).

**5.4(2) Notice to subject of record and opportunity to obtain an injunction.** After the custodian receives a request for access to a confidential record, and before the custodian releases such a record, the custodian may make reasonable efforts to notify promptly any person who is a subject of that record, is identified in that record, or whose address or telephone number is contained in that record. To the extent such a delay is practicable and in the public interest, the custodian may give the subject of such a confidential record to whom notification is transmitted a reasonable opportunity to seek an injunction under Iowa Code section 22.8, and indicate to the subject of the record the specific period of time during which disclosure will be delayed for that purpose.

**5.4(3) Requesting a copy of a return.** A taxpayer requesting a copy of their own tax return must do so via GovConnectIowa. There will be a \$5 charge for each return requested. Payment must be received prior to release of the return.

This rule is intended to implement Iowa Code chapters 17A, 22, 417, 421, and 422.

**701—5.5(17A,22,421,422) Requests for treatment of a record as a confidential record and its withholding from examination.** The department may treat a record as a confidential record and withhold it from examination only to the extent that it is authorized by Iowa Code sections 22.7, 422.20, and 422.72; other applicable provisions of law; or an order. Persons may request that the department treat a document as a confidential record and withhold the document from public inspection. The procedures for making a request are described below.

**5.5(1) Requests related to records submitted as part of an appeal or contested case.** Any person who seeks to request confidential treatment for any document submitted as part of an appeal or contested case filed under 701—Chapter 7 must file a motion for redaction as described in rule 701—7.8(17A).

**5.5(2) Requests for confidential treatment of any other record.** Any person who seeks to request confidential treatment of any record that has not been submitted as part of an appeal or contested case filed under 701—Chapter 7 must follow the following procedure:

*a. Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order authorizes the custodian to treat the record as a confidential record may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

*b. Request.* A request that a record be treated as a confidential record and be withheld from public inspection shall:

- (1) Be in writing; and
- (2) Be filed with the department using the one of the methods in subrule 5.3(2), excluding submission by telephone listed in paragraph 5.3(2)“d”; and

## REVENUE DEPARTMENT[701](cont'd)

(3) Set forth the legal and factual basis justifying such confidential record treatment for that record; and

(4) Include the name, address, and telephone number of the person authorized to respond to any inquiry or action of the custodian concerning the request. A person requesting treatment of a record as a confidential record may also be required to sign a certified statement or affidavit enumerating the specific reasons justifying the treatment of that record as a confidential record and to provide any proof necessary to establish relevant facts. A person may request that a record be treated as confidential for a limited period of time. Requests for limited confidential record treatment shall also specify the precise period of time for which that treatment is requested.

(5) The requester shall, if possible, include a copy of the record for which confidential record treatment is being sought with their request.

*c. Failure to request.* Failure of a person to request confidential record treatment for a record does not preclude the custodian from treating it as a confidential record, unless otherwise provided by law. However, if a person who has submitted information to the department that could be considered a confidential record under Iowa Code section 22.7(3) or 22.7(6) does not request that it be withheld from public inspection under Iowa Code sections 22.7(3) and 22.7(6), the custodian of records containing that information may proceed as if that person has no objection to its disclosure to members of the public.

*d. Timing of decision.* A decision by the custodian about whether to disclose a record or a portion of a record to members of the public may be made when a request for confidential record treatment is filed, or when the custodian receives a request for access to the record by a member of the public.

*e. Request granted or deferred.* If a request for confidential record treatment is granted, or if action on a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection during the pendency of that subsequent request.

*f. Request denied and opportunity to seek an injunction.* If a request for confidential record treatment is denied, the custodian shall notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good-faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8, or other applicable provision of law. However, such a record shall not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian shall notify the requester in writing of the time period allowed to seek injunctive relief or the reasons for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good-faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received, if a court directs the custodian to treat it as a confidential record, or to the extent permitted by another applicable provision of law, or with the consent of the person requesting access.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.6(17A,22,421,422) Consensual disclosure of confidential records.**

**5.6(1)** *Consent to disclosure by a subject.* To the extent permitted by law, the subject may consent in writing to department disclosure of confidential records as provided in rules 701—5.7(17A,22,421,422) and 701—7.6(17A,22,421,422).

**5.6(2)** *Complaints to public officials not an authorization—separate authorization required.* A letter from the subject of a confidential record to a public official that seeks the official's intervention on behalf of the subject in a matter that involves the department shall not, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.



## REVENUE DEPARTMENT[701](cont'd)

The subject of a confidential record filing a complaint must submit a disclosure authorization as provided in rules 701—5.7(17A,22,421,422) and 701—7.6(17A,22,421,422).

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.7(17A,22,421,422) Tax information disclosure designation.**

**5.7(1) Powers authorized.** A taxpayer may designate an individual to receive, inspect, and discuss the taxpayer's confidential state tax information from the department. Such designation does not authorize the designee to act or authorize any action on the taxpayer's behalf in any way other than to receive information and communicate with the department. For transfers of decision-making authority, see Iowa Code section 421.59 and rule 701—7.6(17A,22,421,422).

**5.7(2) Contents of the tax information disclosure designation form.** A taxpayer must use the department's tax information disclosure designation form, or other designated method authorized by the department, to designate an individual to receive, inspect, and discuss confidential state tax information. A tax information disclosure designation form must contain the following information to be valid:

- a. Legal name and address of the taxpayer;
- b. Identification number of the taxpayer (i.e., social security number (SSN), federal identification number (FEIN), or any federal- or Iowa-issued tax identification number);
- c. The designee's name, mailing address, and identification number (i.e., preparer's tax identification number (PTIN), FEIN, SSN, individual taxpayer identification number (ITIN), or Iowa department of revenue-issued account number (IAN)). In lieu of a designee's identification number, a taxpayer may indicate that an IAN is being requested for the designee;
- d. Description of the matter(s) for which disclosure is authorized, which may include:
  - (1) The type of tax(es) involved or an indication that all tax types are within the scope of disclosure;
  - (2) The specific year(s) or period(s) involved or an indication that the scope is unlimited (not to exceed three years into the future beyond the signature date); and
  - (3) Business tax permit number or an indication that all tax types are within the scope of authority;
- e. A clear expression of the taxpayer's intention concerning any restrictions to the scope of authority granted to the recognized representative(s) as provided in subrule 5.7(1);
- f. An authorized signature of an individual listed in subrule 5.7(4) meeting the requirements of rule 701—8.2(17A,421);
- g. Any other information required by the department.

**5.7(3) Authorization period for a tax information disclosure designation.**

a. A tax information disclosure designation may not be used to authorize disclosure for tax periods that end more than three years after the date on which the tax information disclosure designation is signed by the taxpayer. A tax information disclosure designation may concern an unlimited number of tax periods that have ended prior to the date on which the tax information disclosure designation is received by the department; however, tax periods must be stated if the intention is to limit the periods. If the tax periods section is left blank, all tax periods, including those ending up to three years in the future, are included.

b. A tax information disclosure designation continues to be effective for tax periods as defined in paragraph 5.7(3) "a" until revocation by the taxpayer, incapacity of the taxpayer, death of the taxpayer, or withdrawal, death, or incapacity of the tax information disclosure designee.

**5.7(4) Individuals who may execute a tax information disclosure designation.** The individual(s) who may execute a tax information disclosure designation depends on the type of taxpayer involved:

a. *Individual.* In matters involving an individual taxpayer, a tax information disclosure designation must be signed by the individual.

b. *Joint or combined returns.* In matters involving a joint return or married taxpayers who have elected to file separately on a combined return, each taxpayer must complete and submit a tax information disclosure designation form for the joint return.

c. *Third parties.* The tax information disclosure designation form may be signed by an individual who has been authorized to act on behalf of the taxpayer under Iowa Code section 421.59.

**5.7(5) Revocation and withdrawal.**

## REVENUE DEPARTMENT[701](cont'd)

*a. Revocation by the taxpayer.*

(1) By written statement. By filing a statement of revocation with the department, a taxpayer may revoke a tax information disclosure designation without authorizing a new representative. The statement of revocation must include the following:

1. Name, address, and identification number of the taxpayer (i.e., SSN, FEIN, or any federal- or Iowa-issued tax identification number);
2. Name, address, and identification number (i.e., PTIN, FEIN, SSN, ITIN, or IAN) of the designee whose designation is to be revoked;
3. A clear statement to revoke the designee's disclosure designation; and
4. Signature of an authorized signatory as described in subrule 5.7(4).

(2) Does not automatically revoke. A new tax information disclosure designation for a particular tax type(s) and tax period(s) does not revoke a prior tax information disclosure designation for any tax type(s) and tax period(s), unless the taxpayer has indicated in a written submission to the department that a prior tax information disclosure designation is to be revoked.

*b. Withdrawal by the designee.* By filing a statement with the department, a designee may withdraw from the designation in a matter in which a tax information disclosure designation has been filed. The statement must include the following:

- (1) Name, address, and identification number of the taxpayer (i.e., SSN, FEIN, or any federal- or Iowa-issued tax identification number);
- (2) Name, address, and tax identification number (i.e., PTIN, FEIN, SSN, ITIN, or IAN) of the designee whose designation is to be withdrawn;
- (3) A clear statement that the designee wishes to withdraw;
- (4) Signature of withdrawing designee and signature date.

**5.7(6) Submitting a form.**

*a. Submit separately.* A tax information disclosure designation form may not be submitted as an attachment to a tax return except as provided by these rules. A tax information disclosure designation must be submitted separately to the department in accordance with the submission instructions on the form. However, the department may, at its discretion, provide a method for authorizing disclosure on the face of a tax return as defined in Iowa Code section 421.6.

*b. Original or electronic forms accepted.* The department will accept either the original, a copy, or an electronically scanned and transmitted form. A copy received by facsimile transmission (fax) or email will be accepted. All forms, whether original copy, received via fax, or electronically scanned and transmitted forms must include a valid signature meeting the requirements of rule 701—8.2(17A,421) of the taxpayer to be represented.

*c. Timely submission.* The form must be submitted within six months of the date it is signed, or it will be considered invalid.

*d. Evaluation of documentation provided.* The department will evaluate the tax information disclosure designation form and any additional documentation to confirm authorization. Authorization to receive, inspect, and discuss confidential state tax information from the department shall only cover those matters and time frames covered by the submitted documentation. The party claiming authorization to receive, inspect, and discuss confidential state tax information from the department on behalf of a taxpayer shall have the burden to prove, to the satisfaction of the department, the existence and extent of the claimed authorization.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.8(17A,22,421,422) Disclosures without the consent of the subject.** Open records and certain confidential records may be disclosed by the department without the consent of the subject. The guidelines governing such disclosures are described below.

**5.8(1) Disclosure of open records.** All open records may be disclosed without the consent of the subject.

**5.8(2) Disclosure of confidential records that do not contain confidential state tax information.** Certain confidential records that do not contain confidential state tax information may,

## REVENUE DEPARTMENT[701](cont'd)

in limited circumstances, be disclosed without the consent of the subject. The following disclosures will generally occur without notice to the subject:

*a.* For routine use. The following uses are considered routine uses:

(1) Disclosure to those officers, employees, and agents of the department who have a need for the record in the performance of their duties;

(2) Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory action;

(3) Information released to staff of federal and state entities for audit purposes for purposes of determining whether the department is operating a program lawfully;

(4) Any disclosure specifically authorized by statute.

*b.* To a recipient who has provided the department with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

*c.* To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request pursuant to rule 701—5.4(17A,22,421,422) to the department specifying the record desired and the law enforcement activity for which the record is sought.

*d.* To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual. Confidential information will be disclosed pursuant to this paragraph only after notice is sent by the department to the last-known address of the subject of the confidential information.

*e.* To the legislative services agency.

*f.* Disclosures in the course of employee disciplinary proceedings.

*g.* In response to a lawful court order or subpoena.

**5.8(3) Disclosure of confidential state tax information.**

*a. Permitted disclosures.* Confidential state tax information may be disclosed without the consent of the subject only to the extent that it is expressly permitted by law. The following is a nonexclusive list of permitted disclosures:

(1) Disclosures to other agencies, employees, or officials of this state to the extent required as part of their official duties and responsibilities pursuant to Iowa Code section 422.72(1)“b.” Officers or employees of the state of Iowa may examine confidential state tax information belonging to the department to the extent that access to the information is required as part of their official duties and responsibilities. Such information will only be disclosed upon the express written approval of the director of revenue or the director’s designee. Written approval will be granted in only those situations where the information obtained is used for a tax administrative purpose. The written approval will cover the conditions and procedures under which specific information will be released.

(2) Disclosures permitted by statute for purposes other than tax administration. Confidential state tax information may be disclosed without the consent of the subject when disclosure is expressly permitted by statute. Such disclosures may be made without a tax administrative purpose, unless the authorizing statute provides otherwise.

(3) Disclosures to the federal government and agencies of other states. The director of revenue or director’s designee may disclose confidential state tax information to tax officials of another state or the United States government without the consent of the subject so long as the disclosures are made for a tax administrative purpose and are made only to officers of those jurisdictions which by agreement with this state limit the disclosure of the information as strictly as the laws of this state protecting the confidentiality of returns and return information.

(4) Disclosure pursuant to subpoena. The director of revenue or the director’s designee must provide confidential state tax information in response to a subpoena as outlined in Iowa Code section 422.72(7).

## REVENUE DEPARTMENT[701](cont'd)

(5) Disclosure pursuant to Iowa Code section 421.19. The department may disclose confidential state tax information in exercising any power under Iowa Code section 421.19, regardless of whether such disclosure is made for a tax administration purpose.

*b. Penalties for unlawful disclosure of confidential state tax information.* Any officer, employee, agent, former officer, former employee, or former agent of the state of Iowa who engages in any of the following activities commits a serious misdemeanor:

- (1) Knowingly files a false affidavit with the department to secure confidential state tax information;
- (2) Willfully or recklessly divulges, prints, publishes, inspects or permits unauthorized examination of confidential state tax information in violation of Iowa Code sections 422.20 and 422.72 or who divulges information received under this rule in any manner prohibited by this rule.

**701—5.9(17A,22,421,422) Release to subject or owner of record.**

**5.9(1)** The subject of a record may request to review their own records by following the procedures in rules 701—5.3(17A,22,421,422) and 701—5.4(17A,22,421,422). However, the department need not release the following records to the subject:

- a.* Communications to the department that are protected from disclosure under Iowa Code section 22.7(18). Such protected communications include responses to questionnaires solicited by the department that relate to tax administration.
- b.* Records that are work product of an attorney or are otherwise privileged.
- c.* Peace officer's investigative reports, except when disclosure is required by law.
- d.* Any other records that may be withheld by law.

**5.9(2)** Where a requested record contains information on multiple subjects, the department may take reasonable steps to protect confidential information relating to the subject or subjects that did not make the request when releasing the record to the requesting subject.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.10(17A,22,421,422) Personally identifiable information collected and stored by the department.** The department collects and maintains both open records and confidential records that contain personally identifiable information. This rule describes the nature, extent, retrieval, storage, and processing of personally identifiable information within the department's record systems.

**5.10(1) Nature and extent.** All record systems maintained by the department may contain personally identifiable information concerning matters such as income, property holdings, exchanges, financial transactions, and demographic information such as address and number of dependents.

**5.10(2) Retrieval.** Personal identifiers are used to retrieve information from any of the record systems that the department maintains that contain personally identifiable information.

**5.10(3) Means of storage.** Paper, microform, and various electronic means of storage are used to store records containing personally identifiable information.

**5.10(4) Comparison.** Electronic or manual data processing may be used to match, to collate, or to compare personally identifiable information in one system with personally identifiable information in another system of records or with personally identifiable information within the same system.

**5.10(5) Comparison with data from outside the department.** Personally identifiable information in systems of records maintained by the department may be compared with information from outside the department when specified by law. Permitted comparisons include, but are not limited to, comparisons for the purpose of setoffs.

**5.10(6) Records containing personally identifiable information.**

*a.* Personally identifiable information is collected from documents, returns, and any other record filed with the department, as well as from outside sources, including state and federal agencies. Authority to collect this information is found throughout Iowa Code chapters 8A and 17A and Title X of the Iowa Code, including Iowa Code section 421.17(35). Such information is stored within the department, in electronic or physical format. The chart below describes department records that contain personally identifiable information and identifies which records are open records, confidential records, partially

REVENUE DEPARTMENT[701](cont'd)

open or partially confidential. A single record may contain information from several categories in the chart. This information is compiled for the purposes of Iowa Code section 22.11.

**Code.....Meaning**

O.....The records are open for public inspection.

C.....The records are confidential and are not open to public inspection.

O/C.....The record is partly open and partly confidential.

Description of Record	Type of Record	Legal Authority for Confidentiality
State tax returns, return information, permit records, tax liability and penalty records, tax policy, tax research records, and all related records	O/C	Iowa Code Title X, including Iowa Code sections 422.20 and 422.72
Nontax collection records	O/C	Iowa Code Title X, including Iowa Code sections 422.20 and 422.72, and contractual authority
Federal tax returns and return information	C	26 U.S.C. §6103
Department personnel records, communication records, budget records, and payroll records	O/C	Iowa Code section 22.7
Minutes of closed meetings of a government body	C	Iowa Code section 21.5(4)
Records that constitute attorney work product or attorney-client communications or are otherwise privileged	C	Iowa Code section 22.7(4), Iowa Rule of Civil Procedure 1.503, Federal Rule of Civil Procedure 26(b)(3), and case law

- b.* The procedure for public records request may be found in rule 701—5.3(17A,22,421,422).
- c.* The procedure for allowing a person to have additions, dissents, or objections entered in the record will be determined on a case-by-case basis.
- d.* The subject of the confidential record may either request the record themselves and give it to the named third party or authorize the third party to request the subject’s confidential information under Iowa Code section 421.59, 422.20(7), or 422.72(9).
- e.* The department will utilize information, including confidential information, in executing its duties under the Iowa Code. Subjects of the information will not be notified when the information is used. Persons outside of the department receiving confidential information are held to the same confidentiality standard as departmental employees. Whether information is required or optional will be indicated along with the request for information. Failing to provide required information may result in penalties or interest being charged.
- f.* The department utilizes more than one data processing system, and information is matched between systems.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.11(17A,22,421,422) Retention of submitted documents.** When the subject or owner of a record has submitted a document to the department, the department will store the document in the same manner that it stores other records of a similar nature. Documents submitted to the department may be destroyed by the department at the conclusion of the applicable time period detailed in the department’s record retention schedules, unless destruction is otherwise prohibited by law. The department discourages submitting original documents in situations where an original is not required. If an original document must be submitted, the person submitting the document shall indicate conspicuously that the document is an original and shall also indicate whether that person requests that the original be returned at the conclusion of its use by the department.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

**701—5.12(17A,22,421,422) Limited applicability.** This chapter does not:

## REVENUE DEPARTMENT[701](cont'd)

1. Require the department to index or retrieve records that contain information about individuals by that person's name or other personal identifier.
2. Make available to the general public records that would otherwise not be available under Iowa Code chapter 22.
3. Govern the maintenance or disclosure of, notification of, or access to records in possession of the department that are governed by regulations of another agency.
4. Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs, unless otherwise provided by law or agreement.
5. Make available records compiled by the department in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable regulations of the department.

This rule is intended to implement Iowa Code chapters 17A, 22, 421, and 422.

ITEM 2. Amend **701—Chapter 6**, title, as follows:

**ORGANIZATION, PUBLIC INSPECTION**

ITEM 3. Rescind rule 701—6.1(17A) and adopt the following **new** rule in lieu thereof:

**701—6.1(17A) Establishment of the department.** Iowa Code section 421.2 establishes a department of revenue to be administered by a director of revenue.

ITEM 4. Adopt the following **new** rule 701—6.2(17A):

**701—6.2(17A) Mission.** The mission of the department is to serve Iowans and to support government services in Iowa by collecting all taxes required by law, but no more.

ITEM 5. Rescind rule 701—6.3(17A) and adopt the following **new** rule in lieu thereof:

**701—6.3(17A) Office.** The office of the department is maintained at the seat of government in the Hoover State Office Building, 1305 East Walnut Street, P.O. Box 10460, Des Moines, Iowa 50319.

ITEM 6. Rescind rule 701—6.4(17A) and adopt the following **new** rule in lieu thereof:

**701—6.4(17A) Department Internet website.** The department's Internet home page is [tax.iowa.gov](http://tax.iowa.gov).

ITEM 7. Rescind rule 701—6.5(17A) and adopt the following **new** rule in lieu thereof:

**701—6.5(17A) Organization of the department.** The department consists of the director and such divisions as the director may from time to time create.

**6.5(1) The office of the director.** The essential functions of the office of the director include but are not limited to:

- a. Overall management of the agency.
- b. Review of protest and revocation cases on appeal.
- c. Strategic planning and coordination of the future operations and goals of the department.
- d. Provision of financial checks and balances within the department.
- e. Facilitation of a working relationship between the public sector and the private sector.

**6.5(2) Divisions.** For ease of administration, the director has organized the department into divisions and, in some instances, has organized those divisions into bureaus, sections, subsections, and units. The director may from time to time reorganize the department into administrative divisions in order to more efficiently and effectively carry out the authority's responsibilities. Reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary. Such divisions may include but are not limited to:

- a. Local government services.
- b. Tax management.

## REVENUE DEPARTMENT[701](cont'd)

- c. Research and policy.
- d. Legal services and appeals.
- e. Internal services.

**6.5(3) Designee.** Unless otherwise delegated in statute, in rule, or otherwise in writing by the director, only the director, a deputy director, or chief legal officer may enter into contracts or agreements on behalf of the department.

This rule is intended to implement Iowa Code sections 421.1, 421.2, 421.9, 421.14, 421.17, 422.1 and 422.72.

ITEM 8. Rescind and reserve rule **701—6.6(422)**.

ITEM 9. Rescind and reserve rule **701—6.7(68B)**.

ITEM 10. Rescind and reserve rule **701—6.8(421)**.

ITEM 11. Adopt the following **new** rule 701—10.8(421):

**701—10.8(421) Tax return extension in disaster areas.** If a natural disaster is declared by the governor in any area of the state, the director may extend for a period of up to one year the due date for the filing of any tax return and may suspend any associated penalty or interest that would accrue during that period of time for any affected taxpayer whose principal residence or business is located in the covered area, if the director determines it necessary for the efficient administration of the tax laws of this state. The director will notify the public of any possible extensions of tax filings as well as possible suspensions of penalty and interest. Notification will be made through different means available to the director including but not limited to press releases, media information, and the department’s website. Persons eligible for extension shall complete any application or form if required by the department and satisfy any requirements or conditions for the extension.

This rule is intended to implement Iowa Code section 421.17(30).

**ARC 6450C**

## REVENUE DEPARTMENT[701]

### Notice of Intended Action

#### Proposing rule making related to tax-related due dates and providing an opportunity for public comment

The Revenue Department hereby proposes to amend Chapter 7, “Appeals, Taxpayer Representation, and Other Administrative Procedures,” Chapter 39, “Filing Return and Payment of Tax,” Chapter 48, “Composite Returns,” Chapter 52, “Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits,” Chapter 58, “Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits,” Chapter 70, “Replacement Tax and Statewide Property Tax,” Chapter 78, “Replacement Tax and Statewide Property Tax on Rate-Regulated Water Utilities,” Chapter 87, “Iowa Estate Tax,” and Chapter 89, “Fiduciary Income Tax,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 421.14.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, 2022 Iowa Acts, House File 2552.

#### *Purpose and Summary*

This proposed rule making is intended to implement 2022 Iowa Acts, House File 2552, which amends due dates for the Iowa Department of Revenue that fall on Saturdays, Sundays, and holidays. Accordingly, this proposed rule making amends various rules to reflect the enactment of Iowa Code

## REVENUE DEPARTMENT[701](cont'd)

section 421.9A. That section, cited in the amendments, was enacted by 2022 Iowa Acts, House File 2552, section 62.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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—7.28(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Clara Wulfsen  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50306  
Phone: 515.322.2900  
Email: [clara.wulfsen@iowa.gov](mailto:clara.wulfsen@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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend rule 701—7.3(17A), introductory paragraph, as follows:

**701—7.3(17A) How to submit an appeal, petition or related documents; service.** Appeals, petitions, and other documents governed by this chapter may be filed electronically, by mail, or in person, in accordance with the limits described below. The principal office of the department in the Hoover State Office Building in Des Moines, Iowa, shall generally be open between the hours of 8 a.m. and 4:30 p.m. ~~each weekday, except Saturdays, Sundays, and legal holidays as prescribed in Iowa Code section 4.4(34) daily, except Saturdays, Sundays, and holidays as defined in Iowa Code section 421.9A.~~



## REVENUE DEPARTMENT[701](cont'd)

ITEM 2. Amend subrule 7.4(1) as follows:

**7.4(1) Computing time.** Time shall be computed in accordance with Iowa Code section 4.1(34) 421.9A. For electronic submissions, in addition to the requirements described in Iowa Code section 4.1(34) 421.9A, local time for the state of Iowa applies.

ITEM 3. Amend paragraph **7.19(8)“d”** as follows:

*d.* When the director initially presides at a hearing or considers decisions on appeal from or review of a proposed decision by the presiding officer other than the director, the order becomes the final order of the department for purposes of judicial review or rehearing unless there is an appeal to or review on motion of a second agency within the time provided by statute or rule. When a presiding officer other than the director presides at the hearing, the order becomes the final order of the department for purposes of judicial review or rehearing unless there is an appeal to or review on motion of the director within 30 days of the date of the order, including Saturdays, Sundays, and ~~legal~~ legal holidays as defined in Iowa Code section 421.9A, or 10 days, excluding Saturdays, Sundays, and ~~legal~~ legal holidays as defined in Iowa Code section 421.9A, for a revocation order pursuant to rule 701—7.39(17A). However, if the contested case proceeding involves a question of an award of reasonable litigation costs, the proposed order on the substantive issues shall not be appealable to or reviewable by the director on the director's motion until the issuance of a proposed order on the reasonable litigation costs. If there is no such appeal or review within 30 days or 10 days, whichever is applicable, from the date of the proposed order on reasonable litigation costs, both the proposed order on the substantive issues and the proposed order on the reasonable litigation costs become the final orders of the department for purposes of judicial review or rehearing. On an appeal from, review of, or application for rehearing concerning the presiding officer's order, the director has all the power which the director would initially have had in making the decision; however, the director will consider only those issues presented at the hearing before the presiding officer or raised independently by the presiding officer, including the propriety of and the authority for raising issues. The parties will be notified of those issues which will be considered by the director.

ITEM 4. Amend rule 701—39.2(422) as follows:

**701—39.2(422) Time and place for filing.**

**39.2(1) Returns of individuals.** A return of income must be filed on or before the due date. The due date is the last day of the fourth month following the close of the taxpayer's taxable year, whether the return be made on the basis of the calendar year or for a fiscal year, or the last day of the period covered by an extension of time granted by the department. When the due date falls on Saturday, Sunday, or a ~~legal~~ legal holiday, the return will be due the ~~first business day following the~~ following day that is not a Saturday, Sunday, or ~~legal~~ legal holiday. Iowa Code section 421.9A contains additional information on due dates that fall on a Saturday, Sunday, or holiday. If a return is placed in the ~~mails~~ mail, properly addressed and postage paid, in ample time to reach the department on or before the due date for filing, no penalty will attach should the return not be received until after that date. Mailed returns should be addressed to Income Tax Return Processing, Department of Revenue, Hoover State Office Building, Des Moines, Iowa 50319.

Farmers and fishermen have the same filing due date as other individual taxpayers; however, those farmers and fishermen who have elected not to file a declaration of estimated tax shall file their returns and pay the tax due, on or before March 1, to avoid penalty for underpayment of estimated tax.

**39.2(2) to 39.2(4)** No change.

This rule is intended to implement Iowa Code ~~section~~ sections 422.21 and ~~Iowa Code Supplement section~~ section 422.25.

ITEM 5. Amend subrule 48.9(1) as follows:

**48.9(1)** A composite return of income must be filed on or before the due date. The due date is the last day of the fourth month following the close of the tax year of the partners, shareholders, employees, beneficiaries, estates or trusts included in the composite return, or the last day of the period covered by an extension of time granted by the department. When the due date falls on a Saturday, Sunday, or ~~legal~~ legal holiday, the composite return is due the ~~first business day following the~~ following day that is not

## REVENUE DEPARTMENT[701](cont'd)

a Saturday, Sunday, or ~~legal~~ holiday. Iowa Code section 421.9A contains additional information on due dates that fall on a Saturday, Sunday, or holiday. If a return is placed in the mail, properly addressed, postage paid, and postmarked on or before the due date for filing, no penalty will attach should the return not be received until after that date. Mailed returns should be addressed to Composite Return Processing, Department of Revenue, P.O. Box 10469, Des Moines, Iowa 50306.

ITEM 6. Amend subrule 52.2(1) as follows:

**52.2(1) Returns of corporations.** A return of income for all corporations must be filed on or before the due date. The due date for all corporations ~~excepting~~ except for cooperative associations as defined in Section 6072(d) of the Internal Revenue Code is the last day of the fourth month following the close of the taxpayer's taxable year, whether the return be made on the basis of the calendar year or the fiscal year; or the last day of the period covered by an extension of time granted by the director. When the due date falls on a Saturday, Sunday, ~~or a legal~~ holiday, the return will be due ~~the first business day following the following day that is not a Saturday, Sunday, or legal holiday.~~ Iowa Code section 421.9A contains additional information on due dates that fall on a Saturday, Sunday, or holiday. If a return is placed in the ~~mails~~ mail, properly addressed and postage paid in ample time to reach the department on or before the due date for filing, no penalty will attach should the return not be received until after that date. Mailed returns should be addressed to Corporate Income Tax Processing, Hoover State Office Building, Des Moines, Iowa 50319.

ITEM 7. Amend subrule 58.2(1) as follows:

**58.2(1) Returns of financial institutions.** A return of income for all financial institutions must be filed on or before the delinquency date. The delinquency date for all financial institutions is the day following the last day of the fourth month following the close of the taxpayer's taxable year, whether the return is made on the basis of the calendar year or the fiscal year; or the day following the last day of the period covered by an extension of time granted by the director. When the last day prior to the delinquency date falls on a Saturday, Sunday, ~~or a legal~~ holiday, the return will be timely if it is filed on the ~~first business day following the following day that is not a Saturday, Sunday, or legal holiday.~~ Iowa Code section 421.9A contains additional information on due dates that fall on a Saturday, Sunday, or holiday. If a return is placed in the ~~mails~~ mail, properly addressed and postage paid in ample time to reach the department on or before the delinquency date for filing, no penalty will attach should the return not be received until after that date. Mailed returns should be addressed to Franchise Tax Processing, P.O. Box 10413, Des Moines, Iowa 50306.

ITEM 8. Amend rule 701—70.2(437A) as follows:

**701—70.2(437A) Time and place for filing return.** The return must be filed with the director on or before March 31 following the tax year. There is no authority for the director to grant an extension of time to file a return. Therefore, any return which is not filed on or before March 31 following the tax year is untimely.

A taxpayer whose replacement tax liability before credits is \$300 or less is not required to file a return. A taxpayer should not file a replacement tax return under such circumstances.

When the due date falls on a Saturday, ~~or Sunday, or holiday,~~ the return will be due ~~the first business day following the following day that is not a Saturday, or Sunday, or holiday.~~ If a return is placed in the ~~mails~~ mail, properly addressed and postage paid in ample time to reach the director or the department on or before the due date for filing, no penalty will attach should the return not be received until after that date. The functional meaning of this requirement is that if the return is placed in the ~~mails~~ mail, properly addressed and postage paid, on or before the due date for filing, no penalty will attach. Mailed returns should be addressed to Department of Revenue, Attention: ~~Property Tax Division~~ Local Government Services, Hoover State Office Building, Des Moines, Iowa 50319.

ITEM 9. Amend paragraph **70.6(1)“b”** as follows:

*b.* Right of person upon receipt of notice of adjustment. A person who has received notice of an adjustment in connection with a return may pay the additional amount stated to be due to the appropriate county treasurer. If payment is made, and the person wishes to contest the matter, the person should

## REVENUE DEPARTMENT[701](cont'd)

file a timely claim for refund. However, payment will not be required until an assessment has been made (although interest will continue to accrue if timely payment is not made). If no payment has been made, the person may discuss with the agent, auditor, clerk, or employee who notified the person of the discrepancy, either in person or through correspondence, all matters of fact and law which may be relevant to the situation. This person may also ask for a conference with the Department of Revenue, ~~Property Tax Division~~ Local Government Services, Hoover State Office Building, Des Moines, Iowa. Documents and records supporting the person's position may be required.

ITEM 10. Amend rule 701—70.15(437A) as follows:

**701—70.15(437A) Time and place for filing return.** The return must be filed with the director on or before March 31 following the tax year. There is no authority for the director to grant an extension of time to file a return. Therefore, any return which is not filed on or before March 31 following the tax year is untimely.

When the due date falls on a Saturday, ~~or~~ Sunday, or holiday, the return will be due the ~~first business day following the~~ following day that is not a Saturday, ~~or~~ Sunday, or holiday. If a return is placed in the ~~mails~~ mail, properly addressed and postage paid in ample time to reach the director or the department on or before the due date for filing, no penalty will attach should the return not be received until after that date. The functional meaning of this requirement is that if the return is placed in the ~~mails~~ mail, properly addressed and postage paid, on or before the due date for filing, no penalty will attach. Mailed returns should be addressed to Department of Revenue, Attention: ~~Property Tax Division~~ Local Government Services, Hoover State Office Building, Des Moines, Iowa 50319.

ITEM 11. Amend rule 701—78.2(437B) as follows:

**701—78.2(437B) Time and place for filing return.** The return must be filed with the director on or before March 31 following the tax year. There is no authority for the director to grant an extension of time to file a return. Therefore, any return which is not filed on or before March 31 following the tax year is untimely.

A taxpayer whose replacement tax liability before credits is \$300 or less is not required to file a return. A taxpayer should not file a replacement tax return under such circumstances.

When the due date falls on a Saturday, ~~or~~ Sunday, or holiday, the return will be due the ~~first business day following the~~ following day that is not a Saturday, ~~or~~ Sunday, or holiday. Iowa Code section 421.9A contains additional information on due dates that fall on a Saturday, Sunday, or holiday. If a return is placed in the ~~mails~~ mail, properly addressed and postage paid in ample time to reach the director or the department on or before the due date for filing, no penalty will attach should the return not be received until after the due date for filing. The functional meaning of this requirement is that if the return is placed in the ~~mails~~ mail, properly addressed and postage paid, on or before the due date for filing, no penalty will attach. Mailed returns should be addressed to Department of Revenue, Attention: ~~Property Tax Division~~ Local Government Services, Hoover State Office Building, Des Moines, Iowa 50319.

ITEM 12. Amend paragraph **78.6(1)“b”** as follows:

*b. Right of taxpayer upon receipt of notice of adjustment.* A taxpayer who has received notice of an adjustment in connection with a return may pay the additional amount stated to be due to the appropriate county treasurer. If payment is made, and the taxpayer wishes to contest the matter, the taxpayer should file a timely claim for refund. However, payment will not be required until an assessment has been made, although interest will continue to accrue if timely payment is not made. If no payment has been made, the taxpayer may discuss with the agent, auditor, clerk, or employee who notified the taxpayer of the discrepancy, either in person or through correspondence, all matters of fact and law which may be relevant to the situation. The taxpayer may also ask for a conference with the Department of Revenue, ~~Property Tax Division~~ Local Government Services, Hoover State Office Building, Des Moines, Iowa. Documents and records supporting the taxpayer's position may be required.

## REVENUE DEPARTMENT[701](cont'd)

ITEM 13. Amend rule 701—78.14(437B) as follows:

**701—78.14(437B) Time and place for filing return.** The return must be filed with the director on or before March 31 following the tax year. There is no authority for the director to grant an extension of time to file a return. Therefore, any return which is not filed on or before March 31 following the tax year is untimely.

When the due date falls on a Saturday, ~~or~~ Sunday, or holiday, the return will be due the ~~first business day following the~~ following day that is not a Saturday, ~~or~~ Sunday, or holiday. Iowa Code section 421.9A contains additional information on due dates that fall on a Saturday, Sunday, or holiday. If a return is placed in the ~~mails~~ mail, properly addressed and postage paid in ample time to reach the director or the department on or before the due date for filing, no penalty will attach should the return not be received until after that date. The functional meaning of this requirement is that if the return is placed in the ~~mails~~ mail, properly addressed and postage paid, on or before the due date for filing, no penalty will attach. Mailed returns should be addressed to Department of Revenue, Attention: ~~Property Tax Division~~ Local Government Services, Hoover State Office Building, Des Moines, Iowa 50319.

ITEM 14. Amend subrule 87.3(7) as follows:

**87.3(7) Return and payment due date.** For estates of decedents dying prior to July 1, 1986, the return shall be filed with the department and the tax due paid within 12 months after the decedent's death, unless an extension of time has been granted by the department, in which case the return shall be filed and the tax paid within the time prescribed by the extension of time. For estates of decedents dying on or after July 1, 1986, the return must be filed and the tax due paid on or before the last day of the ninth month after the death of the decedent, unless an extension of time has been granted, in which case the return must be filed and the tax due paid within the time prescribed by the extension of time. See 701—paragraph 86.2(6) “a” ~~for~~ and Iowa Code section 421.9A contain additional information on the due date when the last day of the ninth month following death falls on a Saturday, Sunday, or ~~legal~~ holiday.

ITEM 15. Amend subrule 89.4(8) as follows:

**89.4(8) 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. Payment of 90 percent of the tax due with the filing of a return will grant a taxpayer a six-month automatic extension of time to pay the remaining tax due. If the due date falls on a Saturday, Sunday, ~~or~~ legal holiday, the due date is the next day ~~which~~ that is not a Saturday, Sunday, ~~or~~ legal holiday as defined in Iowa Code section ~~4.1~~ 421.9A. Returns not timely filed with 90 percent of the tax timely paid are subject to penalty as provided in rule ~~89.6(422)~~ 701—89.6(422).

**ARC 6449C**

**REVENUE DEPARTMENT[701]**

**Notice of Intended Action**

**Proposing rule making related to appeals, taxpayer representation,  
and other administrative procedures and providing an opportunity for public comment**

The Revenue Department hereby proposes to amend Chapter 7, “Appeals, Taxpayer Representation, and Other Administrative Procedures,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 421.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 17A and section 421.59.

REVENUE DEPARTMENT[701](cont'd)

*Purpose and Summary*

Through 2022 Iowa Acts, House File 2552, the Legislature provided changes to Iowa Code section 421.59. These changes are reflected in this proposed rule making, including the removal of evidence requirements for officers and employees of corporations and associations, as well as the addition of authority categories for very small estates under Iowa Code section 633.356(2) and trusts.

Additionally, this proposed rule making provides guidelines to allow taxpayers to appoint an entity as an authorized representative.

Finally, this proposed rule making includes certain clarifications regarding the administrative process including signature requirements for spouses and an authorized representative's duty to maintain an up-to-date address with the Department.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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—7.28(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Abigail Sills  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50306  
Phone: 515.336.1140  
Email: [abigail.sills@iowa.gov](mailto:abigail.sills@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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

## REVENUE DEPARTMENT[701](cont'd)

ITEM 1. Amend rule 701—7.6(17A,22,421,422) as follows:

**701—7.6(17A,22,421,422) Authorized representatives—powers of attorney and representative certifications.** No individual, including an attorney, accountant, or other representative, will be recognized as representing any taxpayer in regard to any claim, appeal, or other matter before the department or in any communication with, hearing before, or conference with the department, or any member or agent thereof, unless there is first filed with the department a written authorization meeting the requirements of this rule and Iowa Code section 421.59. If a taxpayer wishes to allow the department to discuss otherwise confidential tax matters with an individual other than an authorized representative ~~or power of attorney~~, without giving that individual authority to act on the taxpayer's behalf, the taxpayer must provide the department with written authorization to disclose such confidential tax information as provided in rule 701—5.7(17A,22,421,422).

**7.6(1) Individuals authorized to represent a taxpayer, generally; transfers of decision-making authority.**

*a.* If a taxpayer wishes to have any other individual or individuals act on the taxpayer's behalf in matters before the department, the taxpayer must file with the department an Iowa department of revenue (IDR) power of attorney form, as described in subrule 7.6(5), authorizing that individual to do so. Even if an individual desires to represent a taxpayer only through correspondence with the department but does not intend to personally appear before the department in a hearing or conference, the taxpayer must submit an IDR power of attorney form appointing that individual to act on the taxpayer's behalf.

*b.* Individuals with the authority to act on behalf of a taxpayer, including pursuant to Iowa Code section 421.59(2) or chapter 633B, must file a representative certification form as described in subrule 7.6(6). ~~See subrule 7.6(6) for~~ Subrule 7.6(6) contains more information about individuals who may qualify as authorized representatives and the information required.

**7.6(2) Powers authorized.**

*a.* An IDR power of attorney or representative certification form, as applicable, is required by the department before an individual can perform one or more of the following acts on behalf of the taxpayer:

(1) To receive copies of any notices or documents sent by the department, its representatives, or its attorneys.

(2) To receive, but not to endorse and collect, checks made payable to the taxpayer in payment of any refund of Iowa taxes, penalties, or interest. Certain representatives with a valid representative certification form may be authorized to receive, endorse, and collect checks made payable to the taxpayer in payment of any refund of Iowa taxes, penalties, or interest.

(3) To execute waivers (including offers of ~~waivers~~ waiver) of restrictions on assessment or collection of deficiencies in tax and waivers of notice of disallowance of a claim for credit or refund.

(4) To execute consents extending the statutory period for assessment or collection of taxes.

(5) To fully represent the taxpayer in any hearing, determination, final or otherwise, or appeal. ~~See subrule 7.6(8) for~~ Subrule 7.6(8) contains additional requirements.

(6) To enter into any settlement or compromise with the department.

(7) To execute any release from liability required by the department as a prerequisite to divulging otherwise confidential information concerning the taxpayer.

(8) To authorize a third party as ~~power of attorney~~ authorized representative or disclosure designee for the taxpayer.

*b.* The taxpayer may limit the scope of the authority of ~~a power of attorney~~ an authorized representative appointed via an IDR power of attorney form by expressly stating the limitations, if any, on the IDR power of attorney form submitted to the department. The taxpayer may not expand the scope of authority of ~~a power of attorney~~ an authorized representative beyond those powers authorized in this rule.

**7.6(3) Submitting a form.**

*a.* Submit separately. An IDR power of attorney form or representative certification may not be submitted as an attachment to a tax return except as provided by these rules. A power of attorney form

## REVENUE DEPARTMENT[701](cont'd)

or representative certification form must be submitted separately to the department in accordance with the submission instructions on the form(s).

*b. Original or electronic forms accepted.* The department may accept either ~~the an original form, an electronically scanned and transmitted IDR power of attorney form or representative certification form, or a copy of a form.~~ A copy received by facsimile transmission (fax) or email may be accepted. All copies, facsimiles, and electronically scanned and transmitted forms must include a valid signature meeting the requirements of rule 701—8.2(17A,421) of the taxpayer to be represented.

*c. Timely submission.* The form must be submitted within six months of the date of signature, or it will be considered invalid.

*d. Appointment of a representative via another form.* The department designates certain returns or other departmental forms on which a taxpayer may appoint a representative.

**7.6(4) Communications with represented taxpayers.** Any notice or other written communication (or copy thereof) from the department provided to the representative, where required or permitted to be given to the taxpayer in any matter before the department, will be given to the taxpayer.

**7.6(5) Powers of attorney.** Individuals appointed by a taxpayer to represent the taxpayer must file an IDR power of attorney form.

*a. Individuals who may execute an IDR power of attorney form.* The individual who must execute an IDR power of attorney form is as follows:

(1) Individual. In matters involving an individual taxpayer, an IDR power of attorney form must be signed by the individual or an authorized representative.

(2) Joint or combined returns. In matters involving a joint return or married taxpayers who have elected to file separately on a combined return, each taxpayer must complete and submit the taxpayer's own IDR power of attorney form, even if the taxpayers are represented by the same appointee(s). In any matter concerning a joint return or married taxpayers who have elected to file separately on a combined return, in which the two taxpayers are not to be represented by the same representative(s), the ~~recognized~~ authorized representative of such spouse cannot perform any act with respect to a tax matter that the spouse represented cannot perform alone.

~~(3) Individuals who have filed a valid representative certification form. The IDR power of attorney form must be signed by an individual who has filed a valid representative certification form authorized by the department as described in subrule 7.6(6).~~

*b. Contents of the IDR power of attorney form.* An IDR power of attorney form must contain the following information to be valid:

(1) Legal name and address of the taxpayer;

(2) Identification number of the taxpayer (i.e., social security number (SSN), federal identification number (FEIN), or any federal- or Iowa-issued tax identification number);

(3) Name, mailing address, and identification number of the representative (i.e., preparer's tax identification number (PTIN), FEIN, SSN, individual taxpayer identification number (ITIN), Iowa department of revenue issued account number (IAN) of the representative, or any federal- or Iowa-issued tax identification number) or an indication that an IAN issued account number (IAN) is being requested;

(4) Description of the matter(s) for which representation is authorized, which may include:

1. The type of tax(es) involved or an indication that all tax types are within the scope of authority;

2. The specific year(s) or period(s) involved, or an indication that the scope is unlimited (not to exceed three years into the future beyond the signature date) and Iowa tax permit number, or an indication that all tax types are within the scope of authority;

(5) A clear expression of the taxpayer's intention concerning any restrictions to the scope of authority granted to the recognized representative(s) as provided in subrule 7.6(2).

(6) A valid signature meeting the requirements of rule 701—8.2(17A,421) of an individual listed in paragraph 7.6(5) "a."

(7) Any other information required by the department.

*c. Authorization period for an IDR power of attorney form.*

## REVENUE DEPARTMENT[701](cont'd)

(1) An IDR power of attorney form may not be used to authorize representation for tax periods that end more than three years after the date on which the IDR power of attorney form is signed by the taxpayer. The authority granted may concern an unlimited number of tax periods which have ended prior to the date on which the IDR power of attorney form is received by the department; however, tax periods must be stated if the intention is to limit the periods. If the tax period section is left blank, all tax periods, including those ending up to three years in the future, are included.

(2) The authority granted by an IDR power of attorney form ceases to be effective for tax periods as defined in subparagraph 7.6(5) “c”(1) upon revocation by the taxpayer, incapacity of the taxpayer, death of the taxpayer, or withdrawal, death, or incapacity of the individual granted power of attorney authority.

*d. Evaluation of documentation provided.* The department will evaluate the IDR power of attorney form and any additional documentation to confirm authority. Authority to act before the department shall only cover those matters and time frames covered by the submitted documentation. The party claiming authority to act before the department on behalf of a taxpayer shall have the burden to prove, to the satisfaction of the department, the existence and extent of the claimed authority.

*e. Revocation and withdrawal.*

(1) Revocation by the taxpayer.

1. By written statement. By filing a statement of revocation with the department, a taxpayer may revoke authority granted by an IDR power of attorney form without authorizing a new representative. The statement of revocation must indicate that the authority of the previous representative is revoked and must be signed by the taxpayer. Also, the name and address of each representative whose authority is revoked must be listed (or a copy of the prior IDR power of attorney form must be attached). If the writing indicates that authorization should be revoked from “all” authorized representatives, this will apply to all representatives appointed via an IDR power of attorney form or an entity representative form.

2. By filing a new IDR power of attorney form. Filing a new IDR power of attorney form for a particular tax type(s) and tax period(s) automatically revokes a previously granted power of attorney authority for that tax type(s) and tax period(s). For a previously designated authorized representative to remain as the taxpayer’s authorized representative when a subsequent IDR power of attorney form is filed, the taxpayer must include the representative on the newly submitted IDR power of attorney form. This rule applies regardless of whether the power of attorney authority is authorized by an IDR power of attorney form or on a return as described in subrule 7.6(7). This subrule does not apply to entities appointed as representatives under subrule 7.6(9).

(2) Withdrawal by the representative. By filing a statement with the department, a representative may withdraw from representation in a matter in which an IDR power of attorney form has been filed. The statement must be signed by the representative and must identify the name, identification number, and address of the taxpayer(s); the name, address and identification number of the representative withdrawing; and the matter(s) from which the representative is withdrawing. A representative may withdraw from multiple matters by including with the statement a list of all matters and taxpayers for which withdrawal is desired.

(3) Administrative revocation by the department. The department may administratively revoke a power of attorney or representative certification authority.

**7.6(6) Representative certification; durable and general powers of attorney.**

*a.* Individuals with the authority to act on behalf of a taxpayer, including pursuant to Iowa Code section 421.59(2) or chapter 633B, must file with the department a representative certification form prior to utilizing that authority with the department. Individuals authorized by an IDR power of attorney form are not required to file a representative certification form for themselves.

*b. Contents of the representative certification form.* The representative certification form must include the following information:

(1) Legal name and address of the taxpayer;

(2) Identification number of the taxpayer (i.e., SSN, FEIN, or any federal- or Iowa-issued tax identification number relative to matters covered by the IDR power of attorney form);



## REVENUE DEPARTMENT[701](cont'd)

(3) Name, mailing address, and ~~PTIN, FEIN, or SSN, ITIN, or IAN~~ identification number (i.e., SSN or any federal- or Iowa-issued tax identification number) of the representative. If the identification number is left blank, a new IAN will be assigned to the representative;

(4) Proof of authority must be included with the form as follows:

1. Durable power of attorney or general power of attorney other than an IDR power of attorney form: a copy of the power of attorney document;
2. Guardian, conservator, or custodian appointed by a court: documentation as required in Iowa Code section 421.59(2)“a”;
3. Receiver appointed pursuant to Iowa Code chapter 680: a copy of the relevant court order(s);
4. Individual holding one of the following titles within a corporation, association, partnership, or other entity:
  - ~~President/CEO Officer/employee~~ of corporation/association: ~~in the case of a president or CEO,~~ affirmation of authority to act on behalf of the corporation or association on the form designated by the department;
  - ~~Any officer of a corporation/association other than a president or CEO: authorization from the president or CEO;~~
  - Designated partner authorized to act on behalf of a partnership: affirmation of authority to act on behalf of the partnership on the form designated by the department;
  - Individual authorized to act on behalf of a limited liability company in tax matters: affirmation of authority to act on behalf of the limited liability company on the form designated by the department;
5. Licensed attorney appearing on behalf of the taxpayer or the taxpayer’s estate in a court proceeding: a copy of the filed notice of appearance in the relevant court proceeding;
6. Parent or guardian of minor taxpayer for whom the parent or guardian has signed the minor’s tax return: a copy of the return signed by the parent or guardian;
7. Governmental representative: affirmation of authority to act on behalf of the government entity on the form designated by the department;
8. Executor or personal representative: a copy of the will or court order appointing the individual;
9. Trustee: a copy of the certificate of trust, trust document, or court order appointing the representative;
10. Successor of a very small estate under Iowa Code section 633.356(2): affirmation of authority to act on behalf of the estate on the form designated by the department;

(5) A valid signature meeting the requirements of rule 701—8.2(17A,421) of the representative;

(6) Any other information required by the department.

*c. Evaluation of documentation provided.* The department will evaluate documentation submitted in support of a representative certification to confirm authority. Authority to act before the department shall only cover those matters and time frames covered by the submitted documentation. The party claiming authority to act before the department on behalf of a taxpayer shall have the burden to prove, to the satisfaction of the department, the existence and extent of the claimed authority.

*d. Revocation.* A representative certification may be revoked in the following ways:

(1) By the representative being withdrawn, following procedures in subparagraph 7.6(5)“e”(2).

(2) By the taxpayer, following procedures in subparagraph 7.6(5)“e”(1).

(3) By another representative. A An authorized representative properly appointed by a representative certification or an IDR power of attorney form may notify the department that a an authorized representative no longer has authority to act on behalf of the taxpayer by filing a statement of revocation with the department. The notification statement must indicate the taxpayer’s name, address, and identification, and that the authority of the former representative has ceased and must be signed by a current authorized representative. Also, the name and address of each representative who no longer has authority must be listed (or a copy of the prior representative certification form must be attached).

(4) Administrative revocation by the department, following procedures in paragraph 7.6(5)“e.”

**7.6(7) Returns that may be used to grant power of attorney authority.** An IDR power of attorney form is not needed for individuals who have been named as an authorized representative on a fiduciary return of income filed under Iowa Code section 422.14 or a tax return filed under Iowa Code chapter 450.

## REVENUE DEPARTMENT[701](cont'd)

**7.6(8)** *Individuals authorized to represent themselves or others in a contested case proceeding.* The right to represent oneself or others in connection with any contested case proceeding before the department or administrative hearings division shall be limited to the following classes of individuals, so long as such representation is not barred by another provision of law. Representatives must have a valid IDR power of attorney form or valid representative certification form on file with the department to represent others in a contested case proceeding. The right to represent a taxpayer before the department or the administrative hearings division does not confer the right to represent the taxpayer in a judicial proceeding.

*a.* Taxpayers who are natural persons representing themselves. One spouse may not represent the other in contested case proceedings, unless the spouse is acting in a capacity described in paragraphs 7.6(8) "b" to "j";

*b.* Attorneys duly qualified and entitled to practice in the courts of the state of Iowa;

*c.* Attorneys who are entitled to practice before the highest court of record of any other state and who have complied with the requirements for admission to practice before the courts of the state of Iowa pro hac vice;

*d.* Accountants who are authorized, permitted, or licensed under Iowa Code chapter 542;

*e.* Duly authorized directors or officers of corporations representing the corporation of which they are respectively a director or officer. Attorneys who are acting in the capacity of a director or officer of a corporation must meet the requirements of paragraph 7.6(8) "b" or "c";

*f.* Partners representing their partnership. Attorneys who are acting in the capacity of a partner must meet the requirements of paragraph 7.6(8) "b" or "c";

*g.* Fiduciaries. Fiduciaries include trustees, receivers, guardians, personal representatives, administrators, and executors. For purposes of this rule, a fiduciary is considered to be the taxpayer and not a representative of the taxpayer;

*h.* Government officials authorized by law;

*i.* Enrolled agents, currently enrolled under 31 CFR §10.6 for practice before the Internal Revenue Service, representing a taxpayer in proceedings under division II of Iowa Code chapter 422; and

*j.* Conservators, guardians, or durable powers of attorney appointed to handle tax matters.

**7.6(9)** *Entities as authorized representatives.*

*a. Appointment.* A taxpayer may authorize an entity to act on its behalf in tax-related matters by following the procedures described in this subrule in a manner approved by the department. By appointing an authorized entity representative, the taxpayer consents to the authorized entity representative, and any individuals submitted to the department by the authorized entity representative, as described in paragraph 7.6(9) "c," sending and receiving the taxpayer's information to and from the department and taking any other action described in these rules. By appointing an authorized entity representative, the taxpayer understands that the authorized entity representative is solely responsible for maintaining an accurate list of individuals allowed to act on the taxpayer's behalf. The taxpayer agrees that any improper disclosure or use of the taxpayer's information by the entity or entity's current or former employees, agents, or contractors shall solely be the responsibility of the entity and the entity's employees, agents, or contractors. The department shall not be liable for any acts or omissions of the entity or the entity's employees, agents, or contractors.

*b. Department approval of authorized entity representatives.*

(1) The department will review authorized entity representative appointments.

(2) The department has the authority to approve, deny, or remove third-party access to any entity or individual employee upon review.

*c. Duties of the authorized entity representative.*

(1) The authorized entity representative shall be responsible for managing access for individual employees that it authorizes to act on behalf of the taxpayer in a manner defined by the department. The authorized entity representative shall provide the department a single point of contact for matters involving the entity's status as an approved entity representative.

(2) The authorized entity representative single point of contact must have a valid IA 2848 or representative certification form on file on behalf of the authorized entity representative.

## REVENUE DEPARTMENT[701](cont'd)

(3) The authorized entity representative will provide information regarding each individual employee authorized to act on behalf of the taxpayer as determined by the department. This information shall be used to identify the individual employee when contacting the department. The authorized entity representative shall maintain with the department an accurate and up-to-date list of individual employees that the authorized entity representative has authorized to act on a taxpayer's behalf under this rule. The authorized entity representative shall remove any individuals from its list with the department as soon as an individual is no longer employed by the entity or is no longer authorized by the entity to act on behalf of a taxpayer. The authorized entity representative shall submit all information and changes to information to the department via GovConnectIowa.

(4) The authorized entity representative shall be responsible for the actions taken by its employees, agents, and contractors on behalf of the taxpayer.

(5) The authorized entity representative shall remain in good standing with the department.

d. Powers authorized. An authorized entity representative may be granted any or all of the powers described in subrule 7.6(2). The taxpayer may restrict the authorized entity representative as described therein.

e. Contents of form. A valid IDR authorized entity representative form must contain the information specified in paragraph 7.6(5) "b."

f. Authorization period.

(1) An authorized entity representative may be used to authorize representation for an unlimited number of tax periods prior to or following the date on which the form is received by the department. If the tax period is left blank, all tax periods are included.

(2) At any time while the taxpayer has an effective authorized entity representative appointment filed with the department, the taxpayer consents to allowing the authorized entity representative and any individuals listed by the authorized entity representative, as described in paragraph 7.6(9) "c," to send and receive the taxpayer's information to and from the department and take any other action described in these rules.

(3) The authority granted by an IDR power of attorney form ceases to be effective upon revocation by the taxpayer, or withdrawal or dissolution of the authorized entity representative. It is the sole responsibility of the taxpayer to revoke an authorized entity representative.

g. Revocation and withdrawal.

(1) Revocation by the taxpayer. Such appointment may be revoked by the taxpayer at any time, via GovConnectIowa or in writing to the department. The revocation must include the name and identification number of the taxpayer, the name of the representative entity, an indication of the wish to withdraw, and the taxpayer's dated signature. If the revocation indicates that authorization should be revoked from "all" authorized representatives, this will apply to all representatives appointed via an IA 2848 or entity representative form.

(2) Withdrawal by the authorized entity representative. By filing a statement with the department, an authorized entity representative may withdraw from representation appointed under this subrule. The statement must be signed by the authorized entity representative single point of contact and must identify the name and address of the taxpayer(s) and the matter(s) from which the authorized entity representative is withdrawing. An authorized entity representative may withdraw from multiple matters by including with the statement a list of all matters and taxpayers for which withdrawal is desired. Such statement shall be signed by the authorized entity representative single point of contact.

(3) Administrative revocation by the department. The department may administratively revoke any entity representative authority.

ITEM 2. Amend subrule 7.9(6) as follows:

**7.9(6) Form and content of the appeal.**

*a. Department forms.* Appeals may be filed using the form available on GovConnectIowa or the form available on the department's website, [tax.iowa.gov/forms](http://tax.iowa.gov/forms).

*b. Manually created appeals.* Persons who do not use GovConnectIowa or the form available on the department's website shall use the following format:

## REVENUE DEPARTMENT[701](cont'd)

- (1) The appeal shall contain a caption in the following form:

BEFORE THE DEPARTMENT OF REVENUE  
HOOVER STATE OFFICE BUILDING  
DES MOINES, IOWA

---

IN THE MATTER OF _____	*	
(state taxpayer's name and address and	*	APPEAL
designate type of proceeding, e.g.,	*	Docket No. _____
income tax refund claim)	*	(filled in by Department)

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- (2) The appeal shall substantially state in separate numbered paragraphs the following:
1. Proper allegations showing:
    - Date of department action, such as the notice of assessment, refund denial, etc.;
    - Whether the taxpayer failed to timely appeal the assessment and, if so, the date of payment and the date of filing of the refund claim;
    - Whether the appeal involves the appeal of a refund claim after six months from the date of filing the refund claim because the department failed to deny the claim;
    - Copies of the documented department action, such as the notice of assessment, refund claim, and refund denial letter;
    - Other items that the taxpayer wishes to bring to the attention of the department; and
    - A request for attorney fees, if applicable.
  2. The type of tax, the taxable period or periods involved, and the amount in controversy.
  3. Each error alleged to have been committed, listed in a separate paragraph. For each error listed, an explanation of the error and all relevant facts related to the error shall be provided.
  4. Reference to any particular statute or statutes and any rule or rules involved, if known.
  5. Description of records or documents that were not available or were not presented to department personnel prior to the filing of the appeal, if any. Copies of any records or documents that were not previously presented to the department shall be provided.
  6. Any other matters deemed relevant and not covered in the above paragraphs.
  7. The desire of the taxpayer to expedite proceedings. ~~See rule~~ Rule 701—7.13(17A,421) ~~for~~ contains more details on expedited proceedings.
  8. A statement setting forth the relief sought by the taxpayer.
  9. The signature of the taxpayer or that of the ~~taxpayer's~~ authorized representative. If ~~it the appeal~~ is signed by the taxpayer, include the address and telephone number of the taxpayer in the signature block. If ~~it the appeal~~ is signed by a ~~taxpayer~~ authorized representative, include the address and telephone number of the ~~taxpayer~~ authorized representative in the signature block. Appeals submitted by a ~~taxpayer's~~ authorized representative must have a valid IDR power of attorney form or representative certification form, as applicable in accordance with rule 701—7.6(17A), on file with the department, or one should be included with the appeal.
    - c. Spouses. If an appeal involves an assessment or a refund denial to a married couple and both spouses intend to appeal, both spouses must sign the document as drafted under paragraph 7.9(6) "a" or "b." Appeals submitted by an authorized representative must include an executed IA 2848 power of attorney form or representative certification form, as applicable, for each spouse, unless an IA 2848 power of attorney form or representative certification form is on file with the department.

**ARC 6446C****REVENUE DEPARTMENT[701]****Notice of Intended Action****Proposing rule making related to personal service and paperless delivery of notices, correspondence, and other communication and providing an opportunity for public comment**

The Revenue Department hereby proposes to amend Chapter 7, “Appeals, Taxpayer Representation, and Other Administrative Procedures,” and Chapter 8, “Forms and Communications,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 421.14 and 421.60(11).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 421.60 as amended by 2022 Iowa Acts, House File 2552, section 18.

*Purpose and Summary*

This proposed rule making amends rules on personal service and paperless delivery of notices, correspondence, and other communication from the Department to taxpayers and their authorized representatives. These amendments are necessary to reflect changes made to the implementing statute as a result of 2022 Iowa Acts, House File 2552, section 18, and to describe the functionality of the Department’s e-services portal, GovConnectIowa, regarding paperless delivery, which will be available at the time this rule making becomes effective.

*Fiscal Impact*

This rule making has no known fiscal impact to the State of Iowa at this time.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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—7.28(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Alana Stamas  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50319  
Phone: 515.350.3932  
Email: [alana.stamas@iowa.gov](mailto:alana.stamas@iowa.gov)

REVENUE DEPARTMENT[701](cont'd)

*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 rule making 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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend rule 701—7.33(421) as follows:

**701—7.33(421) Mailing to the last-known address or personal delivery of notices of assessment and refund denial letters.** Taxpayers must update their address with the department in order to receive notices of refunds of tax, notices of assessment, and notices of refund claim denials. When such a notice is sent to a taxpayer’s last-known address, the notice is legally effective even if the taxpayer never receives it. A taxpayer’s authorized representative is responsible for keeping the representative’s address updated with the department. When such a notice is sent to a representative’s last-known address, the notice is legally effective even if the representative never receives it.

**7.33(1)** No change.

**7.33(2)** *Determination of last-known address.*

*a.* A taxpayer’s last-known address for a particular tax type shall be ~~the~~ one of the following most recently ~~provided by the taxpayer and with which the department has updated its~~ updated in the department’s records:

(1) to (3) No change.

(4) The address provided by the taxpayer in GovConnectIowa;

(5) The address provided by the taxpayer in any correspondence to the department;

(6) The address the department receives from a third-party skip tracing service; a public or private utility company in response to a subpoena issued pursuant to Iowa Code section 421.17(32); or a federal, state, or local agency.

*b.* No change.

**7.33(3)** *Personal Mail or personal delivery to a taxpayer.* The following shall constitute personal delivery to a taxpayer:

*a. and b.* No change.

*c.* ~~With respect to a taxpayer who has not provided a last known address for a particular tax type within the prior two years, mailing~~ Mailing to an address the department receives from a third-party skip tracing service; a public or private utility company in response to a subpoena issued pursuant to Iowa Code section 421.17(32); or a federal, state, or local agency.

*d.* No change.

**7.33(4)** *Personal Mail or personal delivery to authorized representatives.* The department may mail or personally deliver a copy of a notice to an authorized representative by one of the following methods:

*a.* Mailing to the address used on the most recently filed and processed written authorization as described in rule 701—7.6(17A) for the taxpayer the authorized representative is representing;

*b.* No change.

*c.* ~~With respect to an authorized representative who has elected to receive notices electronically, by~~ By providing the notice electronically through GovConnectIowa or similar method of electronic service;

## REVENUE DEPARTMENT[701](cont'd)

*d.* and *e.* No change.

This rule is intended to implement Iowa Code section 421.60.

ITEM 2. Amend rule 701—8.6(421) as follows:

**701—8.6(421) Electing to receive communications in electronic format in lieu of paper.** A taxpayer or taxpayer representative that is a registered account holder in GovConnectIowa may elect to receive notices, correspondence, or other communication electronically through GovConnectIowa in lieu of receiving them by regular mail. ~~With respect to any notice, correspondence, or communication served electronically, response deadlines shall be calculated from the date the taxpayer is notified electronically of the correspondence or the item is mailed, whichever is earlier. For each account a taxpayer representative represents, if the taxpayer representative is registered in GovConnectIowa, the taxpayer representative will receive electronic notifications even if the taxpayer does not have an account. However, if the taxpayer has elected to continue to receive paper mail, the representative will continue to receive paper mail. If the taxpayer representative is not registered in GovConnectIowa, notifications will be provided by regular mail.~~

**8.6(1) How to make the election.** The election must be made by selecting the appropriate setting on GovConnectIowa.

**8.6(2) Limitations.**

*a.* This election only exists for persons registered in GovConnectIowa.

*b.* Unless specified elsewhere in rule, this option is limited to notices, correspondence, or other communications on tax types managed in GovConnectIowa.

~~*e.* This election is not available for mail required to be sent by means other than regular mail.~~

~~*c.* Where the department finds it beneficial to continue to send items by regular mail, the department may continue to send regular mail even if an electronic copy is also provided and even if the person elects to receive electronic mail.~~

**8.6(3) When service occurs.** If the department sends a notice, correspondence, or other communication by both mail and electronic communication, service occurs upon the earlier of when the communication is posted to GovConnectIowa or mailed.

**8.6(4) Taxpayer authorized representatives.** Authorized representatives as described in rule 701—7.6(17A,22,421,422) cannot opt out of paper mail for the taxpayers they represent. For each account an authorized representative represents, the authorized representative will receive paper copies of notices, correspondence, or other communication sent to the represented taxpayer. If the authorized representative creates a login and requests and is granted account access for the represented taxpayer, the authorized representative will be able to view electronic versions of the notices, correspondence, or other communication the represented taxpayer receives, but the authorized representative will still receive paper copies of those notices, correspondence, or other communication.

This rule is intended to implement Iowa Code section 421.60(11).

**ARC 6448C**

**REVENUE DEPARTMENT[701]**

**Notice of Intended Action**

**Proposing rule making related to use of whole dollars on tax returns  
and providing an opportunity for public comment**

The Revenue Department hereby proposes to amend Chapter 8, “Forms and Communications,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 421.14 and 422.68.

REVENUE DEPARTMENT[701](cont'd)

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 422.21.

*Purpose and Summary*

For tax years beginning on or after January 1, 2022, certain business income and franchise tax returns will no longer require taxpayers to use whole dollars. This proposed rule making removes the requirement that whole dollars be used on returns. Some taxpayers, including individuals and fiduciaries, may still be required to report whole dollars on the returns. Forms that require the use of whole dollars will state that requirement on the face of the form or in the instructions.

*Fiscal Impact*

This rule making has no known fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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—7.28(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Benjamin Clough  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50306  
Phone: 515.587.0662  
Email: [ben.clough@iowa.gov](mailto:ben.clough@iowa.gov)

*Public Hearing*

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

August 31, 2022  
2 to 3 p.m.

Via video/conference call

Persons who wish to participate in the video/conference call should contact Benjamin Clough before 4:30 p.m. on August 30, 2022. A video link or conference call number will be provided to participants prior to any public hearing.

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 rule making.

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.



REVENUE DEPARTMENT[701](cont'd)

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making action is proposed:

Amend paragraph **8.5(2)“a”** as follows:

*a.* ~~All monetary amounts on the prepared return must be in whole dollars.~~ The electronic submission must match the prepared return. The taxpayer(s) must declare the authenticity of the electronic return before it is transmitted. If the ERO makes changes to the electronic return after the Declaration for e-File Return form has been signed by the taxpayer(s), a new Declaration for e-File Return form must be completed and signed by the taxpayer(s) before the return is transmitted.

**ARC 6453C****REVENUE DEPARTMENT[701]****Notice of Intended Action****Proposing rule making related to penalty for failure to file a tax return after receiving a written notice and providing an opportunity for public comment**

The Revenue Department hereby proposes to amend Chapter 10, “Interest, Penalty, Exceptions to Penalty, and Jeopardy Assessments,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 421.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 421.27 as amended by 2021 Iowa Acts, Senate File 608, section 2.

*Purpose and Summary*

This proposed rule making is intended to implement statutory changes to the penalty imposed on taxpayers for failure to file a tax return within 90 days of written notice from the Department. Those changes require the Department to send a written demand to a taxpayer instructing the taxpayer to file a tax return. If the taxpayer fails to file within 90 days of a demand letter, a \$1,000 penalty will be added to the amount of tax shown due. This rule making describes the demand letter that will be sent to the taxpayer to start the 90-day time period. It also articulates what constitutes a showing of “good reason” for which this penalty may be waived by the Department. This penalty generally applies to all taxpayers for all tax types.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond that of the legislation it implements. The final fiscal note for 2021 Iowa Acts, Senate File 608, did not indicate any fiscal impact.

*Jobs Impact*

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

## REVENUE DEPARTMENT[701](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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—7.28(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Benjamin Clough  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50306  
Phone: 515.587.0662  
Email: [ben.clough@iowa.gov](mailto:ben.clough@iowa.gov)

*Public Hearing*

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

August 31, 2022  
1 to 2 p.m.

Via video/conference call

Persons who wish to participate via video/conference call should contact Benjamin Clough before 4:30 p.m. on August 30, 2022, to facilitate an orderly hearing. A video link or conference call number will be provided to participants prior to the hearing.

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 rule making.

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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making action is proposed:

Adopt the following **new** rule 701—10.9(421):

**701—10.9(421) Failure to file penalty.** A penalty may be assessed for failure to file a return if a taxpayer is subject to a return filing requirement. This penalty may be assessed on any person required to file a return for any tax type administered by the department. This penalty shall be assessed 90 days after the department has issued a demand letter if a return has not been filed. This penalty will be equal to \$1,000 for each failure to file. This penalty is in addition to any other penalty provided by law.

**10.9(1) Demand letter.**

a. The department may send a demand letter to a taxpayer at any time after the taxpayer has failed to file a return, as defined in Iowa Code section 421.6, by the due date. Once this letter has been issued,

## REVENUE DEPARTMENT[701](cont'd)

the taxpayer has 90 days from the date on the letter to file all returns referenced in the letter or show proof that all returns referenced in the letter have already been filed before a penalty will be assessed.

b. The letter shall contain the following title and heading:

FAILURE TO FILE DEMAND LETTER

The Iowa Department of Revenue has determined you have not filed one or more required returns. Under Iowa Code section 421.27(8), failure to file your return(s) as described in this letter within 90 days of the date of this letter will result in a \$1,000 penalty for each return that is not filed. Penalties under Iowa Code section 421.27(8) are in addition to other penalties under Iowa law.

c. The letter shall also contain the following:

- (1) Date of demand letter.
- (2) Tax period(s) involved.
- (3) Return(s) to be filed.
- (4) Date by which the return(s) must be filed to avoid incurring a penalty under Iowa Code section 421.27(8).
- (5) Total penalty under Iowa Code section 421.27(8) that will be assessed if the return(s) are not filed within 90 days.

**10.9(2) Waiver of penalty.**

a. *Documentation.* Unless otherwise indicated, written documentation from the taxpayer is required to support the waiver of this penalty.

b. *Good reason.* This penalty can be waived if the taxpayer proves by a preponderance of the evidence that the taxpayer did not file a return within 90 days of the date of the demand letter due to a “good reason” as defined in this rule. “Good reason” can only be shown by proving one of the following circumstances:

(1) Destruction of records by fire, flood, or act of God when the destruction interferes with the filing of a return within 90 days of the date of demand letter. “Act of God” means the same as defined in subrule 10.7(1).

(2) The onset of serious, long-term illness or hospitalization of the taxpayer, a member of the taxpayer’s immediate family, or the person directly responsible for filing the return when such illness or hospitalization interferes with the filing of a return within 90 days of the date of the demand letter.

(3) The return is filed but erroneously mailed with adequate postage to the Internal Revenue Service, another state agency, or a local government agency and the taxpayer provides proof of timely mailing with adequate postage. The taxpayer must provide competent evidence of the mailing as stated in Iowa Code section 622.105.

(4) A timely appeal of a department action, other than the demand letter, contesting the filing requirement of the return(s) stated in the demand letter was filed before the date stated in the letter pursuant to subparagraph 10.9(1) “c”(4).

(5) Other good reason within the discretion of the department, if the taxpayer has mutually agreed, in writing, with the department to file the required return(s) within a reasonable period of time beyond the date stated in the letter pursuant to subparagraph 10.9(1) “c”(4).

c. *Subsequent issuance.* The department may issue a new demand letter for the same filing obligation if the taxpayer continues to fail to file after the waiver is granted.

EXAMPLE 1: X fails to file a return. The department sends X a failure to file demand letter pursuant to subrule 10.9(1). X fails to file the return within 90 days of the date of the demand letter. X is assessed a \$1,000 penalty. X is still required to file the return.

EXAMPLE 2: Y fails to file a return. The department sends Y a failure to file demand letter under subrule 10.9(1). Y fails to file the return within 90 days of the date of the demand letter. Y is assessed a \$1,000 penalty. Y demonstrates to the department that Y was in the hospital and that the hospitalization interfered with Y’s filing of the return within 90 days of the demand letter. The department waives the \$1,000 penalty. Y is still required to file the return.

EXAMPLE 3: Same facts as Example 2. After receiving the good reason waiver, Y does not file the return. The department issues a new failure to file demand letter under subrule 10.9(1) for the same return that the department sought to be filed in Example 2. Y fails to file the return within 90 days of the

## REVENUE DEPARTMENT[701](cont'd)

date of the second demand letter. Y is assessed a \$1,000 penalty. Y is no longer hospitalized and has no other good reason pursuant to paragraph 10.9(2) “b.” The \$1,000 penalty is not waived. A good reason waiver for the first demand letter does not permanently relieve Y from filing the return. Granting the waiver for a good reason for the first demand letter does not prevent the department from issuing a new demand letter for the same filing obligation.

**10.9(3) Rescission.** The department may rescind the demand letter in writing any time before the penalty is assessed under Iowa Code section 421.27(8) if the taxpayer demonstrates to the department’s satisfaction that the taxpayer has no Iowa return filing requirement or that the filing requirement has been met. The taxpayer shall have the burden to prove by a preponderance of the evidence that no filing obligation exists. The department may also rescind the demand letter if the taxpayer proves a good reason exists as described in paragraph 10.9(2) “b” that prevents the taxpayer from filing the return and the taxpayer has mutually agreed, in writing, with the department to file the required return within a reasonable period of time. The department may issue a new demand letter for the same filing obligation if the taxpayer continues to fail to file after the reasonable period of time mutually agreed to by the taxpayer and the department due to proof of a good reason has expired or if, after the department previously determined the taxpayer had no filing requirement, the department obtains additional information that shows the taxpayer does have a filing requirement.

EXAMPLE 4: Z fails to file a return and receives a demand letter. Z presents proof to the department that Z has no filing requirement. In response to this information, the department rescinds the demand letter. Z does not need to file the return within 90 days, and the department does not impose a \$1,000 penalty on Z.

EXAMPLE 5: Same facts as Example 4. After the department rescinds the demand letter, the department receives new information showing Z is required to file a return. The department can send Z a new demand letter for the same return.

This rule is intended to implement Iowa Code section 421.27 as amended by 2021 Iowa Acts, Senate File 608, section 2.

ARC 6451C

**REVENUE DEPARTMENT[701]****Notice of Intended Action****Proposing rule making related to corporate income tax rate adjustments  
and providing an opportunity for public comment**

The Revenue Department hereby proposes to amend Chapter 51, “Administration,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 421.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 422.33 as amended by 2022 Iowa Acts, House File 2317, section 56.

*Purpose and Summary*

This proposed rule making is intended to implement the statutory changes to the corporate income tax rates contained in 2022 Iowa Acts, House File 2317. In the event that net corporate income tax receipts for the preceding fiscal year exceed \$700 million, the statute requires the Department to calculate the corporate tax rates that would have generated \$700 million in net corporate income tax receipts in the preceding fiscal year. This proposed rule making describes the method the Department will use to determine the rates.

REVENUE DEPARTMENT[701](cont'd)

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond that of the legislation it is intended to implement. The fiscal note for 2022 Iowa Acts, House File 2317, section 56, projected that State General Fund revenue will decrease by \$19.6 million in fiscal year 2023, \$79.6 million in fiscal year 2024, \$109.8 million in fiscal year 2025, \$135.3 million in fiscal year 2026, \$182.1 million in fiscal year 2027, and \$229.4 million in fiscal year 2028.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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—7.28(17A).

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Benjamin Clough  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50306  
Phone: 515.587.0662  
Email: [ben.clough@iowa.gov](mailto:ben.clough@iowa.gov)

*Public Hearing*

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

August 31, 2022  
9 to 10 a.m.

Via video/conference call

Persons who wish to participate in the video/conference call should contact Benjamin Clough before 4:30 p.m. on August 30, 2022, to facilitate an orderly hearing. A video link or conference call number will be provided to participants prior to the hearing.

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 rule making.

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 rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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).

## REVENUE DEPARTMENT[701](cont'd)

The following rule-making action is proposed:

Adopt the following **new** rule 701—51.10(422):

**701—51.10(422) Corporate income tax rate adjustments.** By November 1, 2022, and by November 1 of each subsequent year, the department of management shall determine the net corporate income tax receipts for the preceding fiscal year and provide the amount determined to the department of revenue. If the net corporate income tax receipts for the preceding fiscal year exceed \$700 million, the department of revenue will adjust the corporate income tax rates to the rates that would have generated \$700 million in net corporate income tax receipts in the preceding fiscal year.

**51.10(1) Method for determination of the tax rates.** The department of revenue will adjust the corporate income tax rates according to the following method and using data from corporate tax returns for the most recent tax year for which the department has sufficient data available.

*a.* The department will first estimate what the corporate tax revenue would be for the current tax year and the two preceding tax years corresponding to the fiscal year in question using the applicable corporate income tax rates.

*b.* The department will then apply lower marginal tax rates for those tax years to determine what marginal tax rates would have generated \$700 million in net corporate income tax receipts in the preceding fiscal year.

*c.* In reducing the marginal tax rates, the department will first reduce the highest marginal rate until it is equal to the next highest rate, then reduce the two highest rates by equal amounts, until there is a single rate of 5.5 percent.

*d.* The department's calculation may be within a 3 percent margin above or below \$700 million.

*e.* The tax rates will be rounded down to the nearest one-tenth of 1 percent.

**51.10(2) Effective date of tax rates.** The tax rates determined by the calculation in subrule 51.10(1) will apply for tax years beginning on or after the next January 1 following the determination date. The department will publish the new corporate income tax rates in the Iowa Administrative Bulletin and on the department's website by the first December 31 following the determination date.

**51.10(3) Automatic repeal.** This rule is repealed effective January 1 of the first year in which the corporate income tax rate is reduced to a single rate of 5.5 percent.

This rule is intended to implement Iowa Code section 422.33.

**ARC 6447C**

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### Proposing rule making related to contested cases and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 13, "Contested Cases," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 17A.

#### *Purpose and Summary*

The proposed amendments to Chapter 13 change "office" to "bureau" to match the current organization of the Department and add a new subrule, which was requested by the Department of

## TRANSPORTATION DEPARTMENT[761](cont'd)

Inspections and Appeals. This proposed subrule permits the Department of Inspections and Appeals to allow service by email or notice of electronic filing to an attorney if an appellant is represented.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

*Public Hearing*

If requested, a public hearing to hear oral presentations will be held on September 1, 2022, via conference call at 1:30 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 30, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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 rule making.

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

The public hearing will be canceled without further notice if no oral presentation is requested.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 1. Strike “office” wherever it appears in rules **761—13.4(17A)** and **761—13.7(17A)** and insert “bureau” in lieu thereof:

ITEM 2. Adopt the following **new** subrule 13.12(3):

**13.12(3)** Notwithstanding subrule 13.12(2), any notices, communications and decisions regarding the contested case issued and sent directly by the department of inspections and appeals may be sent by email or notice of electronic filing as defined by rule 481—16.2(10A) to the party’s attorney at the latest email address which the party’s attorney has provided to the department of inspections and appeals.

**ARC 6465C**

## **TRANSPORTATION DEPARTMENT[761]**

### **Notice of Intended Action**

#### **Proposing rule making related to persons with disabilities parking permits and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 411, “Persons with Disabilities Parking Permits,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321L.2 and 321L.8.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321L.2 as amended by 2022 Iowa Acts, House File 2259, section 2.

#### *Purpose and Summary*

The proposed amendments to Chapter 411 conform the rules with 2022 Iowa Acts, House File 2259, which adds licensed occupational therapists and physical therapists to the list of medical professionals authorized under the Iowa Code to provide a statement of disability for a person applying for a persons with disabilities parking permit. This legislation also allows certain licensed medical professionals in any state to prepare the statement of disability. As required by current law, the statement of disability must be on the medical professional’s stationery.

Prior to this legislation, occupational therapists and physical therapists were not authorized under the law to provide statements of disability for persons with disabilities; only certain medical professionals licensed in Iowa or a state contiguous to Iowa were allowed to provide the statement of disability. This proposed rule making will make it easier for customers to obtain a persons with disabilities parking permit, especially if the person’s primary health care provider or specialist is licensed in a state that is several states away from Iowa or if the person is already working with a licensed physical therapist or occupational therapist as part of the person’s recovery.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

#### *Jobs Impact*

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



## TRANSPORTATION DEPARTMENT[761](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

*Public Hearing*

If requested, a public hearing to hear oral presentations will be held on September 1, 2022, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 30, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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 rule making.

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

The public hearing will be canceled without further notice if no oral presentation is requested.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend subrule **411.2(2)**, definition of “Health care provider,” as follows:

“*Health care provider*” means a physician licensed under Iowa Code chapter 148 or 149, a physician assistant licensed under Iowa Code chapter 148C, an advanced registered nurse practitioner licensed under Iowa Code chapter 152, a chiropractor licensed under Iowa Code chapter 151, an occupational therapist licensed under Iowa Code chapter 148B, a physical therapist licensed under Iowa Code chapter 148A, or a physician, physician assistant, nurse practitioner, ~~or~~ chiropractor, occupational therapist, or physical therapist licensed to practice in a ~~contiguous~~ another state as set forth in Iowa Code section 321L.2(1) as amended by 2022 Iowa Acts, House File 2259, section 2.

ITEM 2. Amend **761—Chapter 411**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321L.1, 321L.2 as amended by 2022 Iowa Acts, House File 2259, section 2, 321L.3, ~~to~~ 321L.4 and 321L.8.

**ARC 6466C****TRANSPORTATION DEPARTMENT[761]****Notice of Intended Action****Proposing rule making related to driver's licenses for active duty military service members and veterans and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 605, "License Issuance," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.182 and 321.196.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25.

*Purpose and Summary*

This proposed rule making conforms Chapter 605 with 2022 Iowa Acts, Senate File 2383, section 25, which waives the fee for a chauffeur driver's license (Class D) or a commercial driver's license (Class A, B or C) for an active duty military service member or a veteran who was issued an honorable discharge or general discharge (under honorable conditions). The legislation also waives the fee for an operator driver's license (Class C noncommercial) or a motorcycle driver's license (Class M or endorsement L) for veterans with a service-connected disability rating of 100 percent. An eligible applicant may qualify for more than one fee waiver.

The proposed amendments describe the type of proof an eligible veteran or military service member must provide to the Department to qualify for the applicable driver's license fee waiver. The proposed amendments also provide that only an active duty military service member must provide proof of the service member's eligible status at each issuance or renewal transaction because active duty status can change more frequently than military discharge status or a service-connected disability rating of 100 percent. Because proof of active duty status will be required at each license issuance or renewal transaction, an active duty military service member will not be able to renew a driver's license electronically if the service member wants to receive the fee waiver because the electronic license renewal system cannot verify active duty status in real time.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

## TRANSPORTATION DEPARTMENT[761](cont'd)

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

*Public Hearing*

If requested, a public hearing to hear oral presentations will be held on September 1, 2022, via conference call at 10:30 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 30, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

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 rule making.

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

The public hearing will be canceled without further notice if no oral presentation is requested.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making action is proposed:

Amend rule 761—605.10(321) as follows:

**761—605.10(321) Fees for driver's licenses.** Fees for driver's licenses are specified in Iowa Code section 321.191. A license fee may be paid by cash, check, credit card, debit card or money order.

**605.10(1)** and **605.10(2)** No change.

**605.10(3)** An applicant who is on federal active duty or state active duty, a veteran with a permanent service-connected disability rating of 100 percent, or a veteran who was issued an honorable discharge or general discharge under honorable conditions is eligible for a waiver of the fees for a driver's license as provided in Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25. An eligible applicant may qualify for more than one fee waiver.

a. An applicant must provide proof of eligibility for the fee waiver to the department in the following ways as applicable to the applicant's active duty, veteran or disability status:

(1) An active duty service member must present an unexpired Armed Forces of the United States Geneva Conventions identification card, also known as a common access card (CAC), issued by the U.S. Department of Defense under 32 CFR Part 161. A federal or state military member who is a reservist may instead present an unexpired Uniformed Services identification card (USID) issued by the U.S. Department of Defense under 32 CFR Part 161 indicating a reserve affiliation.

## TRANSPORTATION DEPARTMENT[761](cont'd)

(2) An applicant with a permanent service-connected disability rating of 100 percent must present proof that the applicant is the subject of a certification of disability of 100 percent from the U.S. Department of Veterans Affairs.

(3) An applicant who has been discharged from military service must present certification of release or discharge from active duty, DD form 214, indicating that the applicant received an honorable discharge or a general discharge under honorable conditions.

b. An applicant who qualifies for the fee waiver under subparagraph 605.10(3)“a”(2) or 604.10(3)“a”(3) or both subparagraphs is required to submit proof of eligibility only once unless the proof is invalid or not accepted by the department.

c. An applicant who qualifies for the fee waiver under subparagraph 605.10(3)“a”(2) or 604.10(3)“a”(3) or both subparagraphs, who has presented proof of eligibility to the department during a previous license issuance transaction and who is otherwise eligible under subrule 605.25(7) or 605.25(8) to renew the applicant’s driver’s license electronically, will be waived from the applicable fees during the electronic renewal. An applicant who qualifies under subparagraph 605.10(3)“a”(1) will not receive the applicable fee waivers if the applicant chooses to renew the driver’s license electronically under subrule 605.25(7) or 605.25(8).

This rule is intended to implement Iowa Code section 321.191 as amended by 2022 Iowa Acts, Senate File 2383, section 25.

ARC 6439C

**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed****Rule making related to declaratory orders**

The Human Services Department hereby amends Chapter 5, “Declaratory Orders,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 17A.9.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 17A.9.

*Purpose and Summary*

This rule making is part of the Department’s five-year rules review process. This rule making makes changes to contact information and nonsubstantive changes to verbiage for consistency throughout the agency’s rules.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as **ARC 6328C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on July 14, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on October 1, 2022.

HUMAN SERVICES DEPARTMENT[441](cont'd)

The following rule-making actions are adopted:

ITEM 1. Amend rule 441—5.1(17A) as follows:

**441—5.1(17A) Petition for declaratory order.** Any person may file a petition with the department for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the department at the ~~Office~~ Bureau of Policy Analysis Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at appeals@dhs.state.ia.us. ~~A petition is deemed filed when it is received by that office.~~ The date of receipt of a petition is the day it reaches the department's rules administrator. The department shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition ~~must~~ shall be typewritten or legibly handwritten in ink and ~~should~~ shall substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES

Petition by (Name of Petitioner) for a  
Declaratory Order on (Cite provisions of  
law involved).



PETITION FOR  
DECLARATORY ORDER

The petition ~~must~~ shall provide the following information:

1. A clear and concise statement of all relevant facts on which the order is requested. For public assistance policy rulings, the request should state facts such as the amount of income and resources of a person who may be affected by the policy.
2. A citation and the relevant language of the specific statutes, rules, or orders, whose applicability is questioned, and any other relevant law.
3. The questions petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers. A request which seeks to change rather than to declare or determine policy will be denied.
5. The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by the petitioner to be affected by, or interested in, the questions presented in the petition.
8. Any request by the petitioner for a meeting provided for by rule 441—5.7(17A).
9. The petitioner's state identification number, if applicable.

The petition ~~must~~ shall be dated and signed by the petitioner or the petitioner's representative. It ~~must~~ shall also include the name, mailing address, and telephone number of the petitioner and petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

ITEM 2. Amend subrule 5.3(3) as follows:

**5.3(3) Filing and form of petition for intervention.** A petition for intervention shall be filed at the ~~office~~ bureau of policy analysis coordination. ~~A petition is deemed filed when it is received by that office.~~ The date of receipt of a petition is the day it reaches the department's rules administrator. The department shall provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention ~~must~~ shall be typewritten or legibly handwritten in ink and ~~should~~ shall substantially conform to the following form:

HUMAN SERVICES DEPARTMENT[441](cont'd)

BEFORE THE DEPARTMENT OF HUMAN SERVICES

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Petition by (Name of Original Petitioner) for a Declaratory Order on (Cite provisions of law cited in original petition).	}	PETITION FOR INTERVENTION
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The petition for intervention ~~must~~ shall provide the following information:

1. Facts supporting the intervenor’s standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor’s interest in the outcome.
4. A statement indicating whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor’s knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by, or interested in, the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented by the declaratory order proceeding.

The petition ~~must~~ shall be dated and signed by the intervenor or the intervenor’s representative. It ~~must~~ shall also include the name, mailing address, and telephone number of the intervenor and the intervenor’s representative, and a statement indicating the person to whom communications should be directed.

ITEM 3. Amend rule 441—5.5(17A) as follows:

**441—5.5(17A) Inquiries.** Inquiries concerning the status of a declaratory order proceeding may be made to the Rules Administrator, ~~Office Bureau of Policy Analysis Coordination~~, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us).

ITEM 4. Amend rule 441—5.6(17A) as follows:

**441—5.6(17A) Service and filing of petitions and other papers.**

**5.6(1) Service.** Except where otherwise provided by law, every petition for declaratory order, petition for intervention, brief, or other paper filed in a proceeding for a declaratory order shall be served by ~~mailing mail, email~~, or personal delivery upon each of the parties of record to the proceeding, and on all other persons identified as affected by or interested in the questions presented, simultaneously with their filing. The party filing a document is responsible for service on all parties and other affected or interested persons. All documents filed shall indicate all parties or other persons served and the date and method of service.

**5.6(2) Filing.** All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the ~~Office Bureau of Policy Analysis Coordination~~, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us). All documents are considered filed upon receipt by the department’s rules administrator.

ITEM 5. Amend subrule 5.9(2) as follows:

**5.9(2) Action on refusal.** A refusal to issue a declaratory order ~~must~~ shall indicate the specific grounds for the refusal and constitutes final department action on the petition.

ITEM 6. Amend rule 441—5.10(17A) as follows:

**441—5.10(17A) Contents of declaratory order—effective date.** In addition to the ruling itself, a declaratory order ~~must~~ shall contain the date of its issuance, the name of petitioner and all intervenors,

HUMAN SERVICES DEPARTMENT[441](cont'd)

the specific statutes, rules, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion.

A declaratory order is effective on the date of issuance.

ITEM 7. Amend rule 441—5.11(17A) as follows:

**441—5.11(17A) Copies of orders.** A copy of all orders issued in response to a petition for a declaratory order shall be mailed promptly to the original petitioner and all intervenors. An email response may be sent to the petitioner and other parties upon agreement of the petitioner and each party as applicable.

[Filed 7/14/22, effective 10/1/22]

[Published 8/10/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/22.

**ARC 6440C**

## **HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

### **Rule making related to food program terminology and family self-sufficiency grants program**

The Human Services Department hereby amends Chapter 47, “Diversion Initiatives,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 239B and section 234.6.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 239B and section 234.6 and 7 CFR Part 273.

#### *Purpose and Summary*

As part of the Department’s five-year rules review process, this rule making updates the name of Iowa’s food assistance program in Division I of Chapter 47. The formal name of Iowa’s program has been changed from the Food Assistance Program to the Supplemental Nutrition Assistance Program (SNAP) to be consistent with the name of the federal program and to alleviate confusion around food benefits that are available.

Division II of Chapter 47 relates to the Family Self-Sufficiency Grants Program. This rule making clarifies that the Bureau of Refugee Services can provide PROMISE JOBS services to refugees who have not yet obtained United States citizenship. A family self-sufficiency grant shall be authorized for removing an identified barrier to self-sufficiency that will enable a PROMISE JOBS participant to either obtain new employment or retain existing employment. This rule making also clarifies the duties of the Department’s division administrator relating to issuing payments and approving local plans for family self-sufficiency grants.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as **ARC 6327C**. No public comments were received. No changes from the Notice have been made.



HUMAN SERVICES DEPARTMENT[441](cont'd)

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on July 14, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on October 1, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend **441—Chapter 47**, Division I preamble, as follows:

**PREAMBLE**

These rules implement the Iowa promoting awareness of the benefits of a healthy marriage program. This program uses federal funds from the Temporary Assistance to Needy Families (TANF) block grant to provide information to certain households about the benefits of a healthy and stable marriage. Eligibility for this program also establishes categorical eligibility for the Iowa ~~food assistance program~~ supplemental nutrition assistance program (SNAP) under 441—Chapter 65.

ITEM 2. Amend rule 441—47.1(234), introductory paragraph, as follows:

**441—47.1(234) Eligibility criteria.** Eligibility for the promoting awareness of the benefits of a healthy marriage program is always determined in conjunction with determination of eligibility for ~~food assistance~~ SNAP under 441—Chapter 65.

ITEM 3. Amend subrule 47.1(1) as follows:

**47.1(1) Application.** There is no separate application for the program. Eligibility for the program is determined whenever the department determines a household's eligibility for ~~food assistance~~ SNAP.

ITEM 4. Amend subrules 47.1(4) and 47.1(5) as follows:

**47.1(4) Otherwise eligible for ~~food assistance~~ SNAP.** The household must meet all eligibility criteria for ~~food assistance~~ SNAP except as provided in this rule. A household that includes a member who is currently disqualified from ~~food assistance~~ SNAP due to an intentional program violation is not eligible for the program.

**47.1(5) Minimum ~~food assistance~~ SNAP benefit.** The household must be eligible for a monthly ~~food assistance~~ SNAP benefit greater than zero. Households with a monthly ~~food assistance~~ SNAP benefit of zero are not eligible for the program.

## HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 5. Amend paragraph **47.2(2)“b”** as follows:

b. The household's ~~food assistance~~ SNAP certification period under 441—Chapter 65 ends.

ITEM 6. Amend rule **441—47.21(239B)**, definition of “Bureau of refugee services,” as follows:

“*Bureau of refugee services*” or “*BRS*” means a unit of the department of human services that provides PROMISE JOBS services to refugees who have not obtained United States citizenship.

ITEM 7. Amend subrule 47.22(2) as follows:

**47.22(2)** The program shall be available for use by the bureau of refugee services (BRS) for PROMISE JOBS participants who are refugees who have not obtained United States citizenship, as delineated in the PROMISE JOBS agreement.

ITEM 8. Amend rule 441—47.24(239B), introductory paragraph, as follows:

**441—47.24(239B) Assistance available in family self-sufficiency grants.** Family self-sufficiency grants shall be authorized for removing an identified barrier to self-sufficiency when it can be reasonably anticipated that the assistance will enable PROMISE JOBS participant families to obtain or retain employment ~~or obtain employment~~ in the two full calendar months following the date of authorization of payment. For example, if a payment is authorized on August 20, it should be anticipated that the participant can find employment in September or October.

ITEM 9. Amend subrule 47.24(2) as follows:

**47.24(2) Types of assistance.** The department, in conjunction with IWD and BRS, shall determine those barriers to self-sufficiency which can be considered for family self-sufficiency grants such as, but not limited to, auto maintenance or repair, licensing fees, child care, and referral to other resources, including those necessary to address questions of domestic violence. The IWD service delivery areas and BRS shall have the opportunity to adjust the list of approvable barriers to self-sufficiency based on local resources and circumstances. These adjustments shall be approved by the department division administrator and the appropriate responsible administrator prior to implementation.

ITEM 10. Amend subrule 47.24(5) as follows:

**47.24(5) Supplanting.** Family self-sufficiency grants shall not be used for services already available through the department, PROMISE JOBS, or other local resources at no cost.

ITEM 11. Amend subrule 47.24(7) as follows:

**47.24(7) Issuing payments.** Family self-sufficiency grants are PROMISE JOBS benefits and shall be authorized through the PROMISE JOBS expense allowance system. ~~Warrants~~ Payments may be issued to the participants or to a vendor for support services provided to the family. The department division administrator in conjunction with the appropriate responsible administrator shall have discretion in determining method of payment. The IWD service delivery area or BRS shall have the opportunity to adjust these payment options in an individual case based on circumstances and needs of the family with the approval of the department division administrator and the appropriate responsible administrator prior to implementation.

ITEM 12. Amend paragraph **47.25(1)“d”** as follows:

d. Demonstration of how removing the barrier is related to obtaining or retaining ~~or obtaining~~ employment, meeting the criteria from rule 441—47.24(239B).

ITEM 13. Amend rule 441—47.26(239B), introductory paragraph, as follows:

**441—47.26(239B) Approved local plans for family self-sufficiency grants.** Each IWD service delivery area shall create and provide to IWD the written policies and procedures for administering family self-sufficiency grants. BRS shall create and provide to the department the written policy and procedures for administering family self-sufficiency grants. The plan shall be reviewed for required elements and quality of service to ensure that it meets the purpose of the program and approved by the department division administrator and the ~~IWD division~~ appropriate responsible administrator. The

## HUMAN SERVICES DEPARTMENT[441](cont'd)

written policies and procedures shall be available to the public at county offices, PROMISE JOBS offices, and at IWD. At a minimum, these policies and procedures shall contain or address the following:

ITEM 14. Amend paragraph **47.26(1)“b”** as follows:

b. How determinations will be made that the service or assistance requested meets the program's objective of helping the family obtain or retain employment ~~or obtain employment~~.

[Filed 7/14/22, effective 10/1/22]

[Published 8/10/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/22.

**ARC 6441C**

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to the foster home insurance fund**

The Human Services Department hereby amends Chapter 158, “Foster Home Insurance Fund,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 237.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 237.3.

*Purpose and Summary*

Chapter 158 was reviewed as part of the Department's five-year rules review project. This rule making updates the insurance coverage under the Foster Home Insurance Fund to include auto damage by foster children as a covered expense. This rule making does not change the premium or the total costs the Department currently pays.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as **ARC 6329C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on July 14, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on October 1, 2022.

The following rule-making action is adopted:

Amend paragraph **158.3(1)“b”** as follows:

*b.* Compensation to licensed foster families for personal or real property damage and auto physical damage as a result of the activities of the family foster care child. Coverage also extends to third-party property damages caused by actions of the foster child.

[Filed 7/14/22, effective 10/1/22]

[Published 8/10/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/22.

**ARC 6442C**

**MEDICINE BOARD[653]**

**Adopted and Filed**

**Rule making related to collaborative pharmacy practice**

The Board of Medicine hereby amends Chapter 13, “Standards of Practice and Principles of Medical Ethics,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 155A.48.

*Purpose and Summary*

2021 Iowa Acts, Senate File 296, added a new section codified as Iowa Code section 155A.48, which provides a definition of “collaborative pharmacy practice” and establishes standards for collaborative pharmacy practice agreements. Subsequent to the enactment of 2021 Iowa Acts, Senate File 296, the Board of Pharmacy adopted new rule 657—39.13(155A) relating to collaborative pharmacy practice (see **ARC 6174C**, IAB 2/9/22). Because of the adoption of that rule, the Board of Medicine's rules regulating collaborative pharmacy practice are now in conflict with the Board of Pharmacy's rules. Therefore, on February 17, 2022, the Board of Medicine voted to rescind rule 653—13.4(148), and that rescission is adopted in this rule making.

MEDICINE BOARD[653](cont'd)

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as **ARC 6284C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on July 15, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 653—Chapter 3.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on September 14, 2022.

The following rule-making action is adopted:

Rescind and reserve rule **653—13.4(148)**.

[Filed 7/18/22, effective 9/14/22]

[Published 8/10/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/22.

**ARC 6464C****PROFESSIONAL LICENSURE DIVISION[645]****Adopted and Filed****Rule making related to polysomnography licensure fees**

The Board of Respiratory Care and Polysomnography hereby amends Chapter 5, "Fees," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapters 147 and 152B.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 147 and 152B.

*Purpose and Summary*

This rule making amends polysomnography license fees. When polysomnography licensure first started, fees were set at a higher rate to pay back startup costs associated with licensing the profession. Those startup costs have been paid back. This rule making reduces the higher rate polysomnographers are currently paying for initial licensure, renewal, and reactivation to the same rate respiratory therapists pay.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 9, 2022, as **ARC 6180C**. A public hearing was held on March 2, 2022, at 9 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. Comments were received in support of the rule making. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on May 17, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on September 14, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **5.17(1)“b”** as follows:

*b.* The initial license fee for a polysomnographic technologist license is ~~\$330~~ **\$75**, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 2. Amend paragraph **5.17(2)“b”** as follows:

b. The biennial license renewal fee for each biennium for a polysomnographic technologist license is ~~\$330~~ \$75.

ITEM 3. Amend paragraph **5.17(4)“b”** as follows:

b. The reactivation fee to practice as a polysomnographic technologist is ~~\$390~~ \$135, plus the cost for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) if the license has been on inactive status for two or more years.

[Filed 7/19/22, effective 9/14/22]

[Published 8/10/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/22.

**ARC 6435C**

## **PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

### **Rule making related to AIDS drug assistance program eligibility requirements**

The Public Health Department hereby amends Chapter 11, “Human Immunodeficiency Virus (HIV) Infection and Acquired Immune Deficiency Syndrome (AIDS),” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 141A.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 141A.3(1).

#### *Purpose and Summary*

These amendments increase the eligibility for the AIDS Drug Assistance Program (ADAP) from 400 percent of the federal poverty level (FPL) to 500 percent of the FPL for medication and insurance assistance. These amendments also modify the requirements for medication assistance to account for some health plans that do not allow the ADAP to assist with insurance costs or that are not cost-effective for the ADAP to support.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as **ARC 6323C**. The Department received one comment in support of the amendment. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by the State Board of Health on July 13, 2022.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

PUBLIC HEALTH DEPARTMENT[641](cont'd)

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on September 14, 2022.

The following rule-making action is adopted:

Amend rule 641—11.43(141A) as follows:

**641—11.43(141A) Eligibility requirements.**

**11.43(1)** An applicant is eligible to participate in the ADAP medication assistance program if the applicant:

- a.* Applies for enrollment in ADAP on a form provided by the department;
- b.* Has no health insurance to cover the cost of the drugs that are or may become available from ADAP, or has insurance that is determined by the department to be incompatible with or cost-ineffective for the ADAP insurance assistance program;
- c.* Is currently being prescribed a drug on the ADAP formulary;
- d.* Has an annual income that is less than or equal to ~~400~~ 500 percent of the poverty level as determined by the most recent federal poverty guidelines published annually by the U.S. Department of Health and Human Services for the size of the household;
- e.* Has a medical diagnosis of HIV infection or AIDS or is an unborn infant or an infant under 18 months of age who has an HIV-infected mother; and
- f.* Is a resident of Iowa.

**11.43(2)** An applicant is eligible to participate in the ADAP health insurance assistance program if the applicant:

- a.* Applies for enrollment in ADAP on a form provided by the department;
- b.* Has creditable health insurance coverage or meets the enrollment qualifications for an ADAP-sponsored health plan;
- c.* Is currently being prescribed a drug on the ADAP formulary;
- d.* Has an annual income that is less than or equal to ~~400~~ 500 percent of the poverty level as determined by the most recent federal poverty guidelines published annually by the U.S. Department of Health and Human Services for the size of the household;
- e.* Has a medical diagnosis of HIV infection or AIDS or is an unborn infant or an infant under 18 months of age who has an HIV-infected mother; and
- f.* Is a resident of Iowa.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/22.



**ARC 6463C****PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed****Rule making related to journeyperson examination**

The Plumbing and Mechanical Systems Board hereby amends Chapter 29, “Plumbing and Mechanical Systems Board—Application, Licensure, and Examination,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 105.4, 105.20, and 272C.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 17A, 105, and 272C.

*Purpose and Summary*

This amendment adds greater flexibility for applicants seeking to take their journeyperson examination by allowing them to take the examination 12 months prior to completing their required apprenticeship credits. Previously, the rule allowed applicants to take the examination six months prior to completion of the apprenticeship.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 9, 2022, as **ARC 6233C**. The Board received seven comments in support of the amendment. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on June 21, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to the Board’s general waiver provisions contained in 641—Chapter 31.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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).

PUBLIC HEALTH DEPARTMENT[641](cont'd)

*Effective Date*

This rule making will become effective on September 14, 2022.

The following rule-making action is adopted:

Amend paragraph **29.6(3)“1”** as follows:

*l.* A journeyperson examination applicant may apply to sit for the examination up to 6 12 months prior to completion of the 48 months of required apprentice credit, which shall include the granting of advanced standing or credit for previously acquired experience, training, or skills.

[Filed 7/19/22, effective 9/14/22]

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**ARC 6436C**

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

**Rule making related to certification examinations for limited radiologic technologists and continuing education requirements**

The Public Health Department hereby amends Chapter 42, “Permit to Operate Ionizing Radiation Producing Machines or Administer Radioactive Materials,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 136C.3 and 136C.12.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 136C.

*Purpose and Summary*

These amendments address changes made in the American Registry of Radiologic Technologists (ARRT) policies and procedures. The ARRT is recognized by national accreditation entities and regulatory bodies, including the Department, as the national certification entity for radiologic technologists, nuclear medicine technologists, radiation therapists, and radiologist assistants. The ARRT also provides the examination for limited radiologic technologists approved by the Department as eligible to take the examination. The Department tries to align rules with ARRT requirements whenever possible to reduce duplication, conflicting requirements, and burden on the regulated community.

The amendment to subparagraph 42.9(2)“e”(3) removes the requirement for limited radiologic technologists to pay a fee to the Department for the limited radiography examination administered by the ARRT through an agreement with the Department. The ARRT is now charging this fee directly to the applicant; consequently, applicants will not need to pay the Department a fee for this service.

The amendments to paragraphs 42.18(2)“b” and 42.18(2)“c” change the continuing education (CE) limitation for repeating certain CE courses. The ARRT made the change to allow a CE course to be repeated in future biennia; therefore, the Department is removing its restriction because of the conflict with ARRT requirements.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as **ARC 6325C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board of Health on July 13, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department's waiver provisions contained in 641—Chapter 178.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on September 14, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subparagraph **42.9(2)“e”(3)** as follows:

(3) Each individual making application to take an examination as a limited radiologic technologist in 42.9(2)“e”(1)“1” or “3” must submit an application and nonrefundable to the department each time the individual takes the examination. The individual must also submit the examination fee of \$200 to the department directly to the ARRT each time the individual takes the examination.

ITEM 2. Amend paragraph **42.18(2)“b”** as follows:

*b.* Continuing education activities ~~that are lecture presentations~~ may not be repeated for credit in the same biennium but may be repeated across different biennia.

ITEM 3. Rescind paragraph **42.18(2)“c.”**

[Filed 7/13/22, effective 9/14/22]

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**ARC 6437C****PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed****Rule making related to WIC online ordering project**

The Public Health Department hereby amends Chapter 73, “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC),” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 135.11.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 42 U.S.C. Section 1786 and Iowa Code section 135.11.

*Purpose and Summary*

This amendment will ensure that Iowa can move forward with the federal WIC Online Ordering Pilot Project by allowing a WIC participant, vendor, or contract agency to participate in the project.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as **ARC 6326C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board of Health on July 13, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver provisions contained in 641—Chapter 178.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on September 14, 2022.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

The following rule-making action is adopted:

Adopt the following **new** rule 641—73.26(135):

**641—73.26(135) WIC online ordering project.** Notwithstanding any conflicting provision of law to the contrary, a participant, vendor, or contract agency may participate in the WIC online ordering project, provided that such participation conforms to the terms and conditions of the Iowa WIC Policy and Procedure Manual as modified to incorporate the WIC online ordering project.

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**ARC 6462C**

**PUBLIC SAFETY DEPARTMENT[661]**

**Adopted and Filed**

**Rule making related to local fire protection  
and emergency medical service providers grant program**

The State Fire Marshal Division hereby amends Chapter 265, "Consumer Fireworks Sales Licensing and Safety Standards," Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 100.19(8).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 100.19.

*Purpose and Summary*

These amendments modify the Local Fire Protection and Emergency Medical Service Providers Grant Program pursuant to the enactment of 2021 Iowa Acts, House File 761. This rule making allows the Division to bestow grants in the form of equipment and not just funds.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 1, 2022, as **ARC 6335C**. No public hearing was held, and no comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Division on July 18, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

PUBLIC SAFETY DEPARTMENT[661](cont'd)

*Waivers*

Pursuant to the provisions of rule 661—10.222(17A), the Division does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on September 14, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 265.51(3) as follows:

**265.51(3)** *Authorized purposes of grant funds.* The grant funds in the local fire protection and emergency medical service providers grant program may ~~only~~ be used for the following in order of priority:

- a. To establish or provide fireworks safety education programming to members of the public.
- b. To purchase necessary enforcement, protection, or emergency response equipment related to the sale and use of consumer fireworks in this state.
- c. To purchase necessary enforcement, protection, or emergency response equipment.

ITEM 2. Renumber subrule **265.51(6)** as **265.51(7)**.

ITEM 3. Adopt the following **new** subrule 265.51(6):

**265.51(6)** *Award of tangible property.* Should, at the state fire marshal's sole discretion, it better serve the purpose of the grant program for the state fire marshal to award tangible property, such as equipment, rather than funds, the state fire marshal has the authority to award tangible property purchased with grant funds rather than disperse grant funds to the applicants.

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