RA 26-390

FAIR BOARD[371]

Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 4
"Space Sales"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

Public Hearing

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

December 1, 2026
11 to 11:30 a.m.

teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH
Meeting ID: 284 948 346 636 326
Passcode: so2iy3TJ

Public Comment

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

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

Purpose and Summary

This proposed chapter outlines the rules and regulations governing space sales at the Iowa State Fair. The proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to processes and procedures to ensure they reflect current policies and procedures.

Analysis of Impact

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

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

Concessionaires, vendors, or both who are contracting with the Fair Board will be required to have liability insurance and pay rental fees.

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

Concessionaires, vendors, or both who participate in the Fair will benefit from having clear, concise, and accurate rules. Iowans who attend the Fair will benefit from a well-organized and safe program of exhibits and concessions.

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

- **Quantitative description of impact:**

While this rulemaking contemplates rental fees and insurance, those fees are necessary for the Board to ensure that safety and reputable standards for vendors/concessionaires are maintained.

- **Qualitative description of impact:**

While this rulemaking contemplates rental fees and insurance, those fees are necessary for the Board to ensure that safety and reputable standards for vendors/concessionaires are maintained.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

The benefit will be an updated chapter revised in compliance with Executive Order 10. Additionally, the required insurance will protect the Fair and the State of Iowa from liability exposure, while the fees ensure the safety and reputable standards of the vendors/concessionaires and improve the fairgoer's experience.

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

Not applicable.

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

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

Not applicable.

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

There are no alternatives because this revision is required by Executive Order 10.

Small Business Impact

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

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

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

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 371—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
SPACE SALES

371—4.1(173) Right to sell privileges. The fair board reserves the right to grant all privileges to sell and advertise commodities on the fairgrounds.

4.1(1) *Unauthorized sales and advertising.* No one may sell or advertise merchandise, food or services or post advertising bills, signs or cards or distribute similar materials or in any way solicit on the Iowa state fairgrounds at any time without the express written permission of the Iowa state fair board or its authorized agent.

4.1(2) *Privilege license agreements.* The Iowa state fair board shall issue license agreements for the purpose of granting sales and advertising privileges as it deems warranted and proper.

4.1(3) *Application for privilege.* Any person interested may apply for sales or advertising privileges by contacting the fair board offices and completing the forms provided.

371—4.2(173) Limited to license agreement privileges. The licensee will conduct the privileges granted by the license agreement according to the laws and rules of the state of Iowa, and without infringement upon the rights or privileges of others, and will not handle, advertise or sell any commodity or transact any business whatsoever, except that which has been expressly stipulated and licensed for, and will confine transactions to the space and privilege provided in that license agreement.

371—4.3(173) License agreement renewal. Space license agreements are for the period specified, and the fair board reserves the right to refuse renewal.

371—4.4(173) Reassignment of license agreements. No license agreement or privilege granted by the fair board may be assigned or otherwise disposed of without the written consent of the fair board.

371—4.5(173) Extortion. A violation of Iowa Code section 711.4 will cause the forfeiture of license agreements, money paid and expulsion from the grounds, as the board may elect.

371—4.6(173) Board approval of space used. The licensee will not conduct or permit to be conducted on the space that the licensee has leased any stand, show, amusement or exhibition of any character that does not meet with the approval of the fair board.

371—4.7(173) Rental fee. The licensee will pay a rental fee in the amount determined by the fair board and stipulated in the license agreement with the board when the license agreement is executed. Any payment made as a deposit or full payment for space shall be refundable until June 1 of the given year. After that time, no refunds shall be made.

371—4.8(173) Liens. The Iowa state fair shall have a lien upon all property being kept, used or situated upon the fairgrounds whether the property be exempt or not, for the rent or privilege money to be paid under a space license agreement and for any damages sustained for any breach thereof. The Iowa state fair board shall have the right to attach the same without process of law, and appropriate such property to the use of the Iowa state fair to satisfy its claims against the licensee as per licensee agreement.

371—4.9(173) Insurance. Licensees must have a general liability insurance policy in the minimum amount of $1 million. “The state of Iowa, Iowa state fair authority, their officers, employees and agents” must be included on the certificate of insurance as additional insured that shall be provided to the fair board before the licensee can set up for operation on the fairgrounds.

371—4.10(173) Building on space. Licensees will be permitted to build on space assigned to them. Any part of an exhibit or concession showing to public must be finished.

371—4.11(173) Approval of board. All buildings, tents or enclosures put up by the licensee must be approved by the fair board.

371—4.12(173) Painting and alterations removed. Painting, alterations or attachment to any structure owned by the fair will be prohibited unless authorized in writing by the fair board.

371—4.13(173) Removal of structures. All structures, footings or foundations above or below ground level must be removed at the expense of the licensee, unless other arrangements have been made through the Iowa state fair board.

371—4.14(173) Access. Any representative of the fair board shall have access to concessions or exhibits at all times.

371—4.15(173) Dismantling. Exhibits or concessions will be dismantled or removed from the space at the time stated in the license agreement. If a commercial exhibitor dismantles any or all of its exhibit prior to the time designated in its license agreement and wishes to exhibit the following year, the fair board shall require that the commercial exhibitor pay an amount that is double the amount paid for the previous year for the same space or an equal amount of space.

371—4.16(173) Quitting premises. At the expiration of license agreements, licensees shall surrender possession of the premises to the Iowa state fair board without further notice to quit. Premises shall be in good repair as when possession was given, with the exception of unavoidable wear or damage.

371—4.17(173) Removal of structures. Any structure erected on the fairgrounds must be removed from the grounds immediately after the fair unless authorized in writing by the Iowa state fair board as per the license agreement.

371—4.18(173) Permanent or semipermanent structures. Any permanent structure or semipermanent structure erected on the fairgrounds must have written consent of the fair board, and a charge will be made to keep the area neat and clean between fairs.

371—4.19(173) Electric light and power. All wiring must be safe and not create a safety, fire, tripping or mobility obstructive hazard. The chief electrician must approve all wiring in accordance with the National Electrical Code (2026). Electrical service charges will be set by the Iowa state fair board and stated in the license agreement.

371—4.20(173) Use of sound. No band, orchestra, musicians, loudspeaker, amplifier, radio or other sound device can be used unless the sound or amplification is confined to the area occupied by the licensee or otherwise approved by the fair board.

371—4.21(173) Decorating material. All material used in decorating canvas tops and sidewalls must comply with the rules of the state building code or fire marshal.

371—4.22(173) Deliveries. All concessions and industrial exhibit deliveries must be made during the time set and utilizing credentials authorized by the Iowa state fair board.

371—4.23(173) Discrimination. Licensees shall not discriminate because of race, creed, color, national origin, religion, age, mental or physical disability, sexual orientation, or gender identity and must further agree that their license agreement shall be terminated by the state fair board if a violation is found.

371—4.24(173) Violation of license agreement. Any violation of any of the fair board's administrative rules or the terms and agreements of a space sales license agreement shall, at the election of the fair board, cause the whole amount of the license agreement to become due and be cause for revocation and forfeiture of all rights and privileges granted to the licensee, and in the event of a breach or rule violation by the licensee, any and all sums paid or due to be paid under the licensee

agreement to the fair board shall be and become the property of the fair as liquidated damages for the breach or rule violation.

SPECIFIC RULES FOR CONCESSIONS

371—4.25(173) Needs of the people. The board shall authorize only the letting of concessions as are required to meet the necessary wants of those attending the grounds.

4.25(1) *Clean stands.* The concessionaire shall conduct business in a quiet and orderly manner; keep the area neat and clean; deposit all rubbish, garbage, tin cans, and paper in the receptacles placed or constructed adjacent to the concession plot for this purpose; and keep the ground in front and in the rear of the concession free from all rubbish.

4.25(2) *Quality standards and products.* All dining halls, lunch booths and refreshment stands must be substantial in structure and neat in appearance. All structures and food must meet standards of the city, county and state health boards, as provided in Iowa Code chapter 137.

4.25(3) *Posted prices.* The concessionaire shall post in a conspicuous manner at the front or entrance of the place of business a sign showing the price of meals, lunches, drinks and all other articles of food and drinks to be sold. The size of the sign or bill of fare and place of posting must be approved by the fair board. The concessionaire shall not increase or reduce the established and posted price of any item of merchandise or meal sold without the consent of the fair board.

4.25(4) *No bottles or cans.* Drinks must be sold or served in soft containers.

4.25(5) *Fire extinguishers.* All concessions having cooking or heating devices must have a fire extinguisher in their kitchen.

4.25(6) *Restriction on employees.* No officer or employee in any department of the fair shall have any interest in or connection with any concession operated at the fair.

4.25(7) *Space rate.* The concessionaire shall pay a space rate in the amount and manner determined by the fair board.

These rules are intended to implement Iowa Code section 173.14.