Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 100
"Vital Records Registries and Reports"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 144.29A, 144.52, 252A.3A, and 146B.2

State or federal law(s) implemented by the rulemaking: Iowa Code sections 144.29A, 144.52, 252A.3A, and 146B.2

Public Hearing

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

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

Public Comment

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

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

Purpose and Summary

This proposed rulemaking was undertaken in accordance with Executive Order 10. The purpose of this proposed chapter is to describe the administration process for vital records and reports, including installing, maintaining, and operating of the statewide vital statistics system, as well as forms and certificates, confidentiality and access, and registries and reporting requirements.

Analysis of Impact

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

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

Most who have a birth, death, or marriage event in Iowa will bear the costs in the form of fees associated with certificates and or registrations.

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

Most who have a birth, death, or marriage event in Iowa will benefit from the proposed rulemaking.

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

- **Quantitative description of impact:**

The public may incur fees pursuant to rule 641—95.6(144), typically ranging from $5 to $35 per provided service. The Department's Vital Statistics program registers approximately 100,000 events and issues about 85,000 certified copies annually. The Department annually publishes Vital Statistics

in Iowa, Vital Statistics in Brief, and the Iowa Health Indicator Tracking System at hhs.iowa.gov/data-reports/health-statistics.

- **Qualitative description of impact:**

This proposed chapter describes the administration process for vital records modifications, including birth, death and marriage records.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with this proposed chapter.

- **Anticipated effect on State revenues:**

The vital records fees collected not only fund the Department's Health Statistics Bureau, but also contribute to the State's General Fund. For FY 2025 (through August 11, 2025), the Department collected over $3.7 million and contributed over $1.8 million to the General Fund. This includes fees collected for all vital records.

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

Rulemaking is required by Iowa Code chapter 144.

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

Not applicable.

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

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

Not applicable.

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

Rulemaking is required by Iowa Code chapter 144.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 100 and adopt the following **new** chapter in lieu thereof:

CHAPTER 100
VITAL RECORDS REGISTRIES AND REPORTS

641—100.1(144) Definitions. For the purpose of this chapter, the definitions in 641—Chapter 95 shall apply. In addition, the following definitions shall apply solely to this chapter:

"Abortion" means the same as defined in Iowa Code section 146B.1.

"Adult," when used in reference to the mutual consent voluntary adoption registry, means an individual who has reached the age of 18 years at the time application is made.

"Aggregate form" means the same as defined in Iowa Code section 144.29A.

"Attempt to perform an abortion" means the same as defined in Iowa Code section 146B.1.

"Child," when used in reference to the declaration of paternity registry, means a person under 18 years of age for whom paternity has not been established.

"Court" means the juvenile court when used in reference to the declaration of paternity registry.

"Father" means the male, biological parent of a child when used in reference to the declaration of paternity registry.

"Fertilization" means the same as defined in Iowa Code section 146B.1.

"Health care provider" means the same as defined in Iowa Code section 144.29A.

"Inducing a termination of pregnancy" means the same as defined in Iowa Code section 144.29A. "Inducing a termination of pregnancy" includes abortion.

"Major bodily function" means the same as defined in Iowa Code section 146B.1.

"Medical emergency" means the same as defined in Iowa Code section 146B.1.

"Medical facility" means the same as defined in Iowa Code section 146B.1.

"Perform," "performed," or *"performing"* means the same as defined in Iowa Code section 146B.1.

"Physician" means a person licensed under Iowa Code chapter 148.

"Postfertilization age" means the same as defined in Iowa Code section 146B.1.

"Probable postfertilization age" means the same as defined in Iowa Code section 146B.1.

"Registry" means the declaration of paternity registry or the mutual consent voluntary adoption registry.

"Sibling" means one of two or more persons who are born of the same parents or, sometimes, who have at least one parent in common. "Sibling" also means brother or sister when used in reference to the mutual consent voluntary adoption registry.

"Spontaneous termination of pregnancy" means the same as defined in Iowa Code section 144.29A.

"Unborn child" means the same as defined in Iowa Code section 146B.1.

641—100.2(144) Forms—property of department. All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand.

100.2(1) The forms supplied or approved for reporting vital events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

100.2(2) No forms, except those furnished or approved by the state registrar, will be used in the reporting of vital events or the making of copies of vital records.

641—100.3(144) Declaration of paternity registry established. Pursuant to Iowa Code section 144.12A, there is established in the department a registry for the declaration of paternity of a putative father who wishes to register prior to the birth of a child and no later than the date of the filing of the petition for termination of parental rights.

100.3(1) The putative father who files a Declaration of Paternity Registry form with the state registrar shall provide the following:

a. Registrant's name, current address, social security number, and notarized signature and date signed;

b. The name, last-known address, and social security number, if known, of the mother of the child; and

c. The name of the child, if known, and the date and location of the birth of the child, if known.

100.3(2) The putative father who files the Declaration of Paternity Registry form shall be responsible to notify the state registrar in writing of any change in address.

100.3(3) The state registrar will forward a copy of the declaration of paternity to the mother as notification the person has registered, if the mother's name and address have been provided.

100.3(4) There will be no fee required to file the declaration of paternity.

100.3(5) A fee as established pursuant to rule 641—95.6(144) will be charged and remitted for conducting a search of the registry. The fee will be retained for the search.

100.3(6) Upon written request and remittance of the required fee, the department will conduct a search of the registry. Written requests may be submitted by only:

a. The biological mother of the child;

b. A court;

c. Child support services for an action to establish paternity or support; or

d. The attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action.

100.3(7) If a declaration of paternity is on file, the department will provide the name, address, and social security number of a registrant to the following:

a. The biological mother of the child;

b. A court;

c. Child support services for an action to establish paternity or support; or

d. The attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action.

100.3(8) If no declaration of paternity is on file, a written statement to that effect will be provided to the person making the inquiry.

100.3(9) Information from the declaration of paternity registry will not be released to any person other than those listed in subrule 100.3(6) and will be considered a confidential record as to any other person, except upon order of the court.

100.3(10) Information provided to the registry may be revoked by the registrant by the submission of a written statement, signed and acknowledged by the registrant before a notary public.

a. The statement shall include a declaration that to the best of the registrant's knowledge:

(1) The registrant is not the father of the named child; or

(2) The paternity of the true father has been established.

b. Revocation will nullify the registration, and the information provided by the registrant will be expunged.

c. Revocation is effective only following the birth of the child.

100.3(11) The Declaration of Paternity Registry form is available from the state registrar of vital records or the county registrar.

100.3(12) The declaration of paternity registry does not constitute an affidavit of paternity filed pursuant to Iowa Code section 252A.3A. Declarations filed will be maintained in a registry separate and distinct from the affidavit of paternity registry.

100.3(13) A declaration of paternity filed with the registry may be used as evidence of paternity in an action to establish paternity or to determine a support obligation with respect to the putative father.

100.3(14) Failure or refusal to file a declaration of paternity shall not be used as evidence to avoid a legally established obligation of financial support for a child.

641—100.4(144) Mutual consent voluntary adoption registry established. There is established in the department a mutual consent voluntary adoption registry. Adult adopted children, adult siblings, and the biological parents of adult adoptees may register with the mutual consent voluntary adoption registry to obtain identifying birth information.

100.4(1) All identifying information maintained in the registry is confidential.

100.4(2) All requests shall be completed on the Mutual Consent Voluntary Adoption Registry Application form available from the state registrar of vital records or the county registrar.

100.4(3) Pursuant to rule 641—95.6(144), a fee will be charged and remitted for the filing of a completed application for the registry, and a fee will be charged and remitted for updating applicant information maintained in the registry.

100.4(4) The state registrar will reveal the identity of the biological parent to the adult adopted child or reveal the identity of the adult adopted child to the biological parent if the conditions of Iowa Code section 144.43A(2) are met.

100.4(5) The state registrar will reveal the identity of the adult adopted child to an adult sibling or will reveal the identity of an adult sibling to the adult adopted child if the conditions of Iowa Code section 144.43A(4) are met.

100.4(6) A person who has filed a request or provided consent may withdraw the consent at any time prior to the release of any information by submitting a written withdrawal of consent statement with the state registrar.

100.4(7) The adult adoptee, adult sibling, and biological parent completing an application shall be responsible for updating the contact information.

100.4(8) The state registrar will verify the address information and provide written notice to the parties.

641—100.5(144) Statistical report of termination of pregnancy report. A health care provider who initially identifies and diagnoses a spontaneous termination of pregnancy or who induces a termination of pregnancy shall file with the department a Statistical Report of Termination of Pregnancy form for each termination.

100.5(1) The health care provider shall make a good-faith effort to obtain all the information outlined in Iowa Code section 144.29A(1) that is available with respect to each termination, as well as whether the termination was spontaneous or induced.

100.5(2) In addition, a physician who performs or attempts to perform an abortion shall report to the department all of the following:

a. If a determination of probable postfertilization age of the unborn child was made, the probable postfertilization age determined and the method and basis of the determination.

b. If a determination of probable postfertilization age of the unborn child was not made, the basis of the determination that a medical emergency existed.

c. If the probable postfertilization age of the unborn child was determined to be 20 or more weeks:

(1) The basis of the determination of a medical emergency, or

(2) The basis of the determination that the abortion was necessary to preserve the life of an unborn child.

d. The method used for the abortion.

(1) In the case of an abortion performed when the probable postfertilization age was determined to be 20 or more weeks, whether the method of abortion used was one that, in the physician's reasonable medical judgment, provided the best opportunity for an unborn child to survive, or

(2) If such a method was not used, the basis of the determination that termination of the human pregnancy in that manner would pose a greater risk than would any other available method of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function.

100.5(3) The health care provider who identifies a spontaneous termination or performs an induced termination shall prepare the report on the standard form and forward to the state registrar on or before the tenth day of each calendar month all records for the preceding month. Reports may be sent by mail to the state registrar. Termination reports shall be submitted within 30 days of the date of the occurrence.

100.5(4) The department will provide the forms, or the provider may use the master copy of the form provided by the department to make copies for reporting.

100.5(5) The information will be collected, reproduced, released, and disclosed in a manner that meets the requirements of Iowa Code section 144.29A(2).

100.5(6) The department may share information with federal public health officials as outlined in Iowa Code section 144.29A(2).

100.5(7) By June 30, annually, the department will publish a demographic summary of the statistics for the previous calendar year pursuant to Iowa Code section 144.29A(2).

The department will establish and use a methodology to provide a statistically verifiable basis for any determination of the aggregate form at which information may be released pursuant to Iowa Code section 144.29A(2)*"c."* The methodology will consider both the counts of the events for each item of information and the population that could be represented.

100.5(8) A health care provider shall assign a report tracking number pursuant to Iowa Code section 144.29A(5). The report tracking number shall be maintained by the provider for a period of six months after the end of the calendar year.

100.5(9) For reporting of spontaneous terminations of pregnancy, a health care provider who practices within a hospital, clinic, or other health facility may file the required reporting forms with the department or may authorize one staff person to fulfill the reporting requirements. For reporting of induced terminations of pregnancy, the physician performing the termination shall file the required reporting forms with the department.

100.5(10) Reporting penalties.

a. A physician who fails to submit a report in accordance with Iowa Code section 146B.2 and these rules by the end of 30 days following the due date shall be subject to a late fee of $500 for each additional 30-day period or portion of a 30-day period the report is overdue. The fee will be collected by the department.

b. A physician required to report in accordance with Iowa Code section 146B.2 who has not submitted a report or who has submitted only an incomplete report more than one year following the due date may, in an action brought by the board of medicine in the manner in which actions are brought to enforce Iowa Code chapter 148, be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.

c. A physician who intentionally or recklessly falsifies a report required under Iowa Code section 146B.2 is subject to a civil penalty of $100. The civil penalty will be collected by the department pursuant to Iowa Code chapter 17A.

100.5(11) Any person who knowingly violates a provision of these rules is guilty of a serious misdemeanor pursuant to Iowa Code section 144.52.

These rules are intended to implement Iowa Code sections 144.29A, 144.43A, 144.52, 146B.2 and 252A.3A.