Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 174
"Retail Sales of Pseudoephedrine"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 124.212B
State or federal law(s) implemented by the rulemaking: Iowa Code section 124.212B

Public Hearing

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

December 22, 2025 3 to 3:30 p.m.	Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes rescinding Chapter 174 and adopting a new chapter in lieu thereof. The purpose of this proposed chapter is to outline the use of electronic logbooks that track retail sales of pseudoephedrine as required by Iowa Code section 124.212A. This rulemaking also provides reporting requirements for assessment of civil penalties upon a retailer of or an employee of a retailer of products containing pseudoephedrine for a violation of Iowa Code section 126.23A or 124.212A.

Analysis of Impact

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

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

Retailers will bear the cost. If a retailer is found to be in violation, civil penalties will be assessed pursuant to Iowa Code section 126.23B.

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

Law enforcement agencies will benefit from being able to easily identify suspicious purchasing patterns to help prevent use in the illegal production of methamphetamine.

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:**

Retailers will be responsible for maintaining the logbook to document sales. If a retailer is found to be in violation, civil penalties will be assessed pursuant to Iowa Code section 126.23B.

- **Qualitative description of impact:**

Retailers will be responsible for logging sales. If a retailer is assessed a civil penalty, the city or county that enforced the civil penalty must report the violation information to the Department.

3. **Costs to the State:**

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

None.

- **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:**

Inaction could allow suspicious purchasing patterns to go unnoticed, leading to the diversion of the chemical for use in illegal methamphetamine labs.

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

The Department has determined this to be the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

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

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

None.

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

Not applicable.

Small Business Impact

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

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

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

This rulemaking is not anticipated to have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 174 and adopt the following **new** chapter in lieu thereof:

CHAPTER 174
RETAIL SALES OF PSEUDOEPHEDRINE

661—174.1(81GA,SF169) Electronic logbooks. A logbook of retail sales of products containing pseudoephedrine, as required in Iowa Code section 124.212A, may be recorded in any electronic format, provided that the retailer maintaining the logbook provides to any peace officer a printed copy of the information required to be maintained in the same manner as would be provided if the logbook were maintained on paper.

NOTE 1: Information required to be recorded in the logbook includes the legible signature of the purchaser and the printed name and address of the purchaser.

NOTE 2: This rule applies only to the content of the information provided to a peace officer from a logbook, not to the conditions or circumstances under which information from a logbook is provided to a peace officer.

661—174.2(81GA,SF169) Reporting of civil penalties. Pursuant to Iowa Code section 126.23B, within 30 days of the assessment of a civil penalty upon a retailer or employee of a retailer of products containing pseudoephedrine for a violation of the provisions of Iowa Code section 124.212A or 126.23A, the city or county that has enforced the civil penalty will report the following information to the department:

1. Name and address of the retailer.
2. Name and birth date of the employee, if the civil penalty was assessed against an employee. If the assessment was against more than one employee, the name and birth date of each employee subject to the assessment will be reported.
3. Date of the violation.
4. Description of the violation.
5. Amount of the civil penalty assessed.

These rules are intended to implement Iowa Code section 124.212B.