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The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

INSTRUCTIONS FOR UPDATING THE IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

Agriculture and Land Stewardship Department[21]

Replace Analysis
Replace Chapter 47

Human Services Department[441]

Replace Chapters 51 and 52

Racing and Gaming Commission[491]

Replace Chapter 3
Replace Chapters 5 and 6
Replace Chapter 8
Replace Chapters 10 to 12

Public Health Department[641]

Replace Analysis
Replace Chapter 75 with Reserved Chapter 75
Remove Chapter 82, Reserved Chapters 83 and 84, and Chapter 85
Insert Reserved Chapters 82 to 85
Replace Chapter 154
Remove Reserved Chapters 204 and 205 and Chapter 206
Insert Reserved Chapters 204 to 206

Transportation Department[761]

Replace Chapter 520

Workforce Development Board and Workforce Development Center Administration Division[877]

Replace Analysis
Replace Chapter 1
Replace Chapter 6

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

[Created by 1986 Iowa Acts, chapter 1245]
[Prior to 7/27/88, Agriculture Department[30]]
Rules under this Department “umbrella” also include
Agricultural Development Authority[25] and Soil Conservation Division[27]

CHAPTER 1 ADMINISTRATION

- | | |
|----------|--|
| 1.1(159) | Organization |
| 1.2(159) | Consumer protection and industry services division |
| 1.3(159) | Administration division |
| 1.4(159) | Soil conservation division |
| 1.5(159) | Food safety and animal health |

CHAPTER 2 CONTESTED CASE PROCEEDINGS AND PRACTICE (Uniform Rules)

- | | |
|---------------|--|
| 2.1(17A,159) | Scope and applicability |
| 2.2(17A,159) | Definitions |
| 2.3(17A,159) | Time requirements |
| 2.4(17A,159) | Requests for contested case proceeding |
| 2.5(17A,159) | Notice of hearing |
| 2.6(17A,159) | Presiding officer |
| 2.12(17A,159) | Service and filing of pleadings and other papers |
| 2.15(17A,159) | Motions |
| 2.16(17A,159) | Prehearing conference |
| 2.17(17A,159) | Continuances |
| 2.22(17A,159) | Default |
| 2.23(17A,159) | Ex parte communication |
| 2.24(17A,159) | Recording costs |
| 2.25(17A,159) | Interlocutory appeals |
| 2.26(17A,159) | Final decision |
| 2.27(17A,159) | Appeals and review |
| 2.28(17A,159) | Applications for rehearing |
| 2.29(17A,159) | Stays of agency action |

CHAPTER 3 PETITIONS FOR RULE MAKING (Uniform Rules)

- | | |
|----------|--------------------------------|
| 3.1(17A) | Petition for rule making |
| 3.3(17A) | Inquiries |
| 3.5(17A) | Petitions for related entities |

CHAPTER 4 DECLARATORY ORDERS (Uniform Rules)

- | | |
|--------------|--|
| 4.1(17A,159) | Petition for declaratory order |
| 4.2(17A,159) | Notice of petition |
| 4.3(17A,159) | Intervention |
| 4.4(17A,159) | Briefs |
| 4.5(17A,159) | Inquiries |
| 4.6(17A,159) | Service and filing of petitions and other papers |
| 4.7(17A,159) | Consideration |

- 4.8(17A,159) Action on petition
- 4.9(17A,159) Refusal to issue order
- 4.12(17A,159) Effect of a declaratory order

CHAPTER 5
AGENCY PROCEDURE FOR RULE MAKING
(Uniform Rules)

- 5.1(17A,159) Applicability
- 5.3(17A,159) Public rule-making docket
- 5.4(17A,159) Notice of proposed rule making
- 5.5(17A,159) Public participation
- 5.6(17A,159) Regulatory analysis
- 5.10(17A,159) Exemptions from public rule-making procedures
- 5.11(17A,159) Concise statement of reasons
- 5.13(17A,159) Agency rule-making record

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

- 6.1(17A,22) Definitions
- 6.3(17A,22) Requests for access to records
- 6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 6.9(17A,22) Disclosures without the consent of the subject
- 6.10(17A,22) Routine use
- 6.11(17A,22) Consensual disclosure of confidential records
- 6.12(17A,22) Release to subject
- 6.13(17A,22) Availability of records
- 6.14(17A,22) Personally identifiable information
- 6.15(17A,22) Other groups of records
- 6.16(17A,22) Data processing systems
- 6.17(159,252J,272D) Release of confidential licensing information for collection purposes

CHAPTER 7
COLLECTION PROCEDURES

- 7.1(159,252J,272D) Licensing actions
- 7.2(159,252J,272D) Collection procedures

CHAPTER 8
WAIVER OR VARIANCE OF RULES

- 8.1(17A,159) Definition
- 8.2(17A,159) Scope of chapter
- 8.3(17A,159) Applicability
- 8.4(17A,159) Criteria for waiver or variance
- 8.5(17A,159) Filing of petition
- 8.6(17A,159) Content of petition
- 8.7(17A,159) Additional information
- 8.8(17A,159) Notice
- 8.9(17A,159) Hearing procedures
- 8.10(17A,159) Ruling
- 8.11(17A,159) Public availability
- 8.12(17A,159) Summary reports
- 8.13(17A,159) Cancellation of a waiver
- 8.14(17A,159) Violations

- 8.15(17A,159) Defense
8.16(17A,159) Judicial review

CHAPTERS 9 to 11
Reserved

CHAPTER 12
RENEWABLE FUELS AND COPRODUCTS

- 12.1(159A) Purpose
12.2(159A) Definitions
12.3(159A) General provisions
12.4(159A) Renewable fuels motor vehicle fuels decals

CHAPTER 13
RENEWABLE FUEL INFRASTRUCTURE BOARD—ORGANIZATION

- 13.1(159A) Definitions
13.2(159A) Renewable fuel infrastructure board

CHAPTER 14
RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR
RETAIL MOTOR FUEL SITES

- 14.1(159A) Purpose
14.2(159A) Eligible applicants

CHAPTER 15
RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR
BIODIESEL TERMINAL GRANTS

- 15.1(159A) Purpose
15.2(159A) Eligible applicants

CHAPTER 16
RENEWABLE FUEL INFRASTRUCTURE PROGRAM ADMINISTRATION

- 16.1(159A) Allocation of awards by congressional district
16.2(159A) Form of award available; award amount
16.3(159A) Application process
16.4(159A) Review process
16.5(159A) Contract administration

CHAPTERS 17 to 19
Reserved

CHAPTER 20
REFERENDUM

- 20.1(159) Purpose
20.2(159) Definitions
20.3(159) Voter eligibility
20.4(159) Referendum methods and procedures
20.5(159) Contesting referendum results
20.6(159) Official certification

CHAPTER 21
Reserved

**CHAPTER 22
APIARY**

22.1(160)	Diseases
22.2(160)	Parasites
22.3(160)	Requirement for the sale of bees
22.4(160)	Certificate of inspection required
22.5(160)	Certificate of inspection expiration
22.6(160)	American Foulbrood treatment
22.7(160)	Varroa mite treatment
22.8(160)	Undesirable subspecies of honeybees
22.9(160)	European honeybee certification
22.10(160)	Prohibit movement of bees from designated states
22.11(160)	Inspection required for the sale of bees, comb, or used equipment

**CHAPTERS 23 to 35
Reserved**

**CHAPTER 36
EGG HANDLERS**

36.1(196)	Definitions
36.2(196)	Licensing
36.3(196)	Minimum sanitation and operating requirements
36.4(196)	Egg grading or candling area
36.5(196)	Water supply
36.6(196)	Egg storage
36.7(196)	Eggs used in food preparation
36.8(196)	Labeling and packaging
36.9(196)	Restricted eggs
36.10(196)	Inspections and records
36.11(196)	Enforcement
36.12(196)	Health and hygiene of personnel
36.13(196)	Iowa grades

**CHAPTERS 37 to 39
Reserved**

**CHAPTER 40
AGRICULTURAL SEEDS**

40.1(199)	Agricultural seeds
40.2(199)	Seed testing
40.3(199)	Labeling
40.4 and 40.5	Reserved
40.6(199)	Classes and sources of certified seed
40.7(199)	Labeling of seeds with secondary noxious weeds
40.8(199)	Germination standards for vegetable seeds
40.9(199)	White sweet clover
40.10(199)	Labeling of conditioned seed distributed to wholesalers
40.11(199)	Seeds for sprouting
40.12(199)	Relabeling
40.13(199)	Hermetically sealed seed
40.14(199)	Certification of seed and potatoes
40.15(199)	Federal regulations adopted
40.16(199)	Seed libraries

**CHAPTER 41
COMMERCIAL FEED**

41.1(198)	Definitions and terms
41.2(198)	Label format
41.3(198)	Label information
41.4(198)	Expression of guarantees
41.5(198)	Suitability
41.6(198)	Ingredients
41.7(198)	Directions for use and precautionary statements
41.8(198)	Nonprotein nitrogen
41.9(198)	Drug and feed additives
41.10(198)	Adulterants
41.11(198)	Good manufacturing practices
41.12(198)	Cottonseed product control

**CHAPTER 42
PET FOOD**

42.1(198)	Definitions and terms
42.2(198)	Label format and labeling
42.3(198)	Brand and product names
42.4(198)	Expression of guarantees
42.5(198)	Ingredients
42.6(198)	Drugs and pet food additives
42.7(198)	Statements of calorie content
42.8(198)	Descriptive terms

CHAPTER 43

FERTILIZERS AND AGRICULTURAL LIME

43.1(200)	Additional plant food elements besides N, P and K
43.2(200)	Warning required
43.3(200)	Specialty fertilizer labels
43.4(200)	Pesticides in fertilizers
43.5(200)	Cancellation or suspension of registration or license
43.6(200)	Standard for the storage and handling of anhydrous ammonia
43.7(200)	Groundwater protection fee
43.8 to 43.19	Reserved
43.20(201)	Agricultural lime
43.21(200)	Minimum requirements for registration of fertilizer and soil conditioners
43.22(200)	Provisional product registration
43.23(200)	Review of product registrations
43.24(200)	Product claims
43.25 to 43.29	Reserved
43.30(201A)	Definitions
43.31(201A)	Determination of ECCE
43.32(201A)	Sample procedure
43.33(201A)	Sample analysis
43.34(201A)	Sample fee
43.35(201A)	Certification
43.36(201A)	Compliance with certification
43.37(201A)	Labeling
43.38(201A)	Toxic materials prohibited

- 43.39(201A) Added materials
 43.40(201A) Egg shells

CHAPTER 44
ON-SITE CONTAINMENT
OF PESTICIDES, FERTILIZERS AND SOIL CONDITIONERS

PESTICIDES

- 44.1(206) Definitions
 44.2(206) On-site containment of pesticides
 44.3(206) Design plans and specifications
 44.4(206) Certification of construction
 44.5(206) New pesticide storage and mixing site location
 44.6(206) Pesticide storage and mixing site
 44.7(206) Secondary containment for nonmobile bulk pesticide storage and mixing
 44.8(206) Pesticide storage and mixing site containers
 44.9(206) Transportation of bulk pesticides
 44.10(206) Mixing, repackaging and transfer of pesticides
 44.11(206) Distribution of bulk pesticides
 44.12(206) Secondary containment for aerial applicator aircraft
 44.13 to 44.49 Reserved

FERTILIZERS AND SOIL CONDITIONERS

- 44.50(200) On-site containment of fertilizers and soil conditioners
 44.51(200) Definitions
 44.52(200) Design plans and specifications
 44.53(200) New fertilizer or soil conditioner storage site location
 44.54(200) Certification of construction
 44.55(200) Secondary containment for liquid fertilizers and liquid soil conditioner storage
 44.56(200) Secondary containment for nonliquid fertilizers and soil conditioners
 44.57(200) Fertilizer loading, unloading, and mixing area
 44.58(200) Wash water and rinsates

CHAPTER 45
PESTICIDES

DIVISION I

- 45.1(206) Definitions and standards
 45.2(206) Methods of analysis
 45.3(206) Registration required
 45.4(206) Registration of products
 45.5(206) Registration, general application of
 45.6(206) Revocation, suspension or denial of registration
 45.7(206) Changes in labeling or ingredient statement
 45.8(206) Label requirements
 45.9(206) Directions for use—when necessary
 45.10(206) Other claims
 45.11(206) Name of product
 45.12(206) Brand names, duplication of, or infringement on
 45.13(206) Ingredient statement
 45.14(206) Net contents
 45.15(206) Coloration of highly toxic materials
 45.16(206) Illegal acts
 45.17(206) Guarantee of pesticide

45.18(206)	Shipments for experimental use
45.19(206)	Enforcement
45.20(206)	Hazardous rodenticides
45.21(206)	Highly toxic
45.22(206)	License and certification standards for pesticide applicators
45.23(206)	Sale or possession of thallium
45.24(206)	Warning, caution and antidote statements
45.25(206)	Declaration of pests
45.26(206)	Record-keeping requirements
45.27(206)	Use of high volatile esters
45.28(206)	Emergency single purchase/single use of restricted pesticide
45.29(206)	Application of general use pesticide by nonlicensed commercial applicator
45.30(206)	Restricted use pesticides classified
45.31(206)	Application of pesticides toxic to bees
45.32(206)	Use of DDT and DDD
45.33(206)	Use of inorganic arsenic
45.34(206)	Use of heptachlor
45.35(206)	Use of lindane
45.36(206)	Reports of livestock poisoning
45.37(206)	Approval of use of inorganic arsenic formulation
45.38 to 45.44	Reserved
45.45(206)	Ethylene dibromide (EDB) residue levels in food
45.46(206)	Use of pesticide Command 6EC
45.47(206)	Reporting of pesticide sales
45.48(206)	Dealer license fees
45.49(206)	Pesticide use recommendations
45.50(206)	Notification requirements for urban pesticide applications
45.51(206)	Restrictions on the distribution and use of pesticides containing the active ingredient atrazine or any combination of active ingredients including atrazine
45.52(206)	Continuing instructional courses for pesticide applicator recertification

DIVISION II

45.53 to 45.99	Reserved
----------------	----------

DIVISION III
CIVIL PENALTIES

45.100(206)	Definitions
45.101(206)	Commercial pesticide applicator peer review panel
45.102(206)	Civil penalties—establishment, assessment, and collection
45.103(206)	Review period
45.104(206)	Review by peer review panel
45.105(206)	Response by peer review panel

CHAPTER 46
CROP PESTS

46.1(177A)	Nursery stock
46.2(177A)	Hardy
46.3(177A)	Person
46.4(177A)	Nursery growers
46.5(177A)	Nursery
46.6(177A)	Nursery dealer
46.7(177A)	Out-of-state nursery growers and nursery dealers
46.8(177A)	Nursery inspection
46.9(177A)	Nursery dealer certificate

46.10(177A)	Proper facilities
46.11(177A)	Storage and display
46.12(177A)	Nursery stock viability qualifications
46.13(177A)	Certificates
46.14(177A)	Miscellaneous and service inspections
46.15(177A)	Insect pests and diseases
46.16(177A)	Firewood labeling

**CHAPTER 47
IOWA ORGANIC PROGRAM**

47.1(190C)	Iowa organic program
47.2	Reserved
47.3(190C)	Drift
47.4	Reserved
47.5(190C)	Recognition
47.6(190C)	General requirements
47.7	Reserved
47.8(190C)	Certification agent

ADMINISTRATIVE

47.9(190C)	Fees
47.10(190C)	Compliance

**CHAPTER 48
PESTICIDE ADVISORY COMMITTEE**

48.1(206)	Function
48.2(206)	Staff
48.3(206)	Advisors
48.4(206)	Meetings
48.5(206)	Open records
48.6(206)	Budget
48.7(206)	Review of pesticide applicator instructional course and examination

**CHAPTER 49
BULK DRY ANIMAL NUTRIENTS**

49.1(200A)	Definitions
49.2(200A)	License
49.3(200A)	Registration
49.4(200A)	Additional plant elements
49.5(200A)	Distribution statement
49.6(200A)	Distribution reports
49.7(200A)	Storage of bulk dry animal nutrients
49.8(200A)	Manure management plans

**CHAPTER 50
WOMEN, INFANTS, AND CHILDREN/FARMERS' MARKET NUTRITION PROGRAM
AND SENIOR FARMERS' MARKET NUTRITION PROGRAM**

50.1(159,175B)	Authority and scope
50.2(159,175B)	Severability
50.3(159,175B)	Definitions
50.4(159,175B)	Program description and goals
50.5(159,175B)	Administration and agreements
50.6(159,175B)	Distribution of benefits
50.7(159,175B)	Recipient responsibilities

50.8(159,175B)	Farmers' market, farmstand, and community supported agriculture (CSA) authorization and priority
50.9(159,175B)	Vendor certification
50.10(159,175B)	Certified vendor obligations
50.11(159,175B)	Certified vendor noncompliance sanctions
50.12(159,175B)	Appeal
50.13(159,175B)	Deadlines
50.14(159,175B)	Discrimination complaints

CHAPTERS 51 to 57
Reserved

CHAPTER 58
NOXIOUS WEEDS

58.1(317)	Definition
58.2(317)	Purple loosestrife
58.3(317)	Records

CHAPTER 59
Reserved

CHAPTER 60
POULTRY

60.1(168)	Egg-type chickens, meat-type chickens, turkeys, domestic waterfowl, domestic game birds and exhibition poultry
60.2(168)	License for dealers of baby chicks or domestic fowls
60.3(163)	Turkeys
60.4(163)	Registration of exhibitions involving poultry

CHAPTER 61
DEAD ANIMAL DISPOSAL

61.1(167)	Dead animal disposal—license
61.2(167)	Animal disposal—persons defined
61.3(167)	Disposing of dead animals by cooking
61.4(167)	License fee
61.5(167)	Certificate issuance
61.6(167)	Filing certificate
61.7(167)	License renewal
61.8 to 61.10	Reserved
61.11(167)	Disposal plant plans
61.12(167)	Disposal plant specifications
61.13 and 61.14	Reserved
61.15(167)	Conveyances requirements
61.16(167)	Disposal plant trucks
61.17(167)	Disposal employees
61.18(167)	Tarpaulins
61.19(167)	Disposal vehicles—disinfection
61.20 to 61.22	Reserved
61.23(167)	Rendering plant committee
61.24(167)	Rendering plant—spraying
61.25(167)	Penalty
61.26 and 61.27	Reserved
61.28(167)	Anthrax

61.29(167)	Anthrax—disposal
61.30(167)	Classical swine fever—carcasses
61.31(167)	Noncommunicable diseases—carcasses
61.32(167)	Carcass disposal—streams
61.33(167)	Improper disposal

CHAPTER 62
REGISTRATION OF IOWA-FOALED
HORSES AND IOWA-WHELPED DOGS

62.1(99D)	Definitions
62.2(99D)	Iowa horse and dog breeders' fund and Iowa thoroughbred horse breeders' promotion fund
62.3(99D)	Forms
62.4(99D)	Disciplinary actions
62.5(99D)	Access to premises and records
62.6(99D)	Registration fees
62.7 to 62.9	Reserved
THOROUGHBRED DIVISION	
62.10(99D)	Iowa thoroughbred stallion requirements
62.11(99D)	Notification requirements
62.12(99D)	Stallion qualification and application procedure
62.13(99D)	Application information
62.14(99D)	Breeding record—report of mares bred
62.15(99D)	Iowa-foaled horses and brood mares
62.16(99D)	Iowa-foaled horse status
62.17 to 62.19	Reserved
STANDBRED DIVISION	
62.20(99D)	Iowa standardbred stallion requirements
62.21(99D)	Notification requirements
62.22(99D)	Stallion qualification and application procedure
62.23(99D)	Application information
62.24(99D)	Breeding record—report of mares bred
62.25(99D)	Iowa-foaled horses and brood mares
62.26(99D)	Iowa-foaled horse status
62.27 to 62.29	Reserved
QUARTER HORSE DIVISION	
62.30(99D)	Iowa quarter horse stallion requirements
62.31(99D)	Notification requirements
62.32(99D)	Stallion qualification and application procedure
62.33(99D)	Application information
62.34(99D)	Breeding record—report of mares bred
62.35(99D)	Iowa-foaled horses and brood mares
62.36(99D)	Iowa-foaled horse status
62.37(99D)	Embryo transfer for Iowa-foaled status
62.38 and 62.39	Reserved
GREYHOUND DOG DIVISION	
62.40(99D)	Iowa-whelped dog requirements
62.41(99D)	Procedures for registration

CHAPTER 63 BRANDING	
63.1(169A)	Location of brands on livestock
63.2(169A)	Brands in conflict
CHAPTER 64 INFECTIOUS AND CONTAGIOUS DISEASES	
64.1(163)	Reporting disease
64.2(163)	Disease prevention and suppression
64.3(163)	Duties of township trustees and health board
64.4(163)	“Exposed” defined
64.5(163)	Sale of vaccine
64.6(163)	“Quarantine” defined
64.7(163)	Chiefs of Iowa and U.S. animal industries to cooperate
64.8(163)	Animal blood sample collection
64.9	Reserved
GLANDERS AND FARCY CONTROL	
64.10(163)	Preventing spread of glanders
64.11(163)	Disposal of diseased animal
64.12(163)	Glanders quarantine
64.13(163)	Tests for glanders and farcy
64.14	Reserved
BLACKLEG CONTROL	
64.15(163)	Blackleg
64.16	Reserved
DEPARTMENT NOTIFICATION OF DISEASES	
64.17(163)	Notification of chief of animal industry
64.18 to 64.22	Reserved
RABIES CONTROL	
64.23(163)	Rabies—exposed animals
64.24(163)	Rabies quarantine
64.25(351)	Control and prevention of rabies
64.26 to 64.29	Reserved
SCABIES OR MANGE CONTROL	
64.30(163)	Scabies or mange quarantine
64.31	Reserved
DISEASE CONTROL AT FAIRS AND EXHIBITS	
64.32(163)	State fairgrounds—disinfection of livestock quarters
64.33(163)	County fairs—disinfection of livestock quarters
64.34(163)	Health requirements for exhibition of livestock, poultry and birds at the state fair, district shows and exhibitions
64.35(163)	Health requirements for exhibition of livestock, poultry and birds at exhibitions
64.36 and 64.37	Reserved
DISEASE CONTROL BY CONVEYANCES	
64.38(163)	Transportation companies—disinfecting livestock quarters
64.39(163)	Livestock vehicles—disinfection
64.40	Reserved

INTRASTATE MOVEMENT OF LIVESTOCK	
64.41(163)	General
64.42(163)	Veterinary inspection
64.43(163)	Swine
64.44 to 64.46	Reserved
BRUCELLOSIS	
64.47(163)	Definitions as used in these rules
64.48	Reserved
64.49(163)	Certified brucellosis-free herd
64.50(163)	Restraining animals
64.51(163)	Quarantines
64.52(163)	Identification of bovine animals
64.53(163)	Cleaning and disinfection
64.54(163)	Disposal of reactors
64.55(163)	Brucellosis tests and reports
64.56(163)	Suspect animals designated as reactors
64.57(163)	Indemnity not allowed
64.58(163)	Area testing
64.59 to 64.62	Reserved
BOVINE BRUCELLOSIS	
64.63(164)	Back tagging in bovine brucellosis control
64.64(164)	Fee schedule
64.65(163)	Definitions
64.66	Reserved
ERADICATION OF SWINE BRUCELLOSIS	
64.67(163A)	Brucellosis test
64.68(163A)	Veterinarians to test
64.69 and 64.70	Reserved
64.71(163A)	Fee schedule
64.72	Reserved
ERADICATION OF BOVINE TUBERCULOSIS	
64.73(163)	Tuberculin tests classified
64.74(163)	Acceptance of intradermic test
64.75(163)	Adoption of intradermic test
64.76(163)	Ophthalmic test
64.77(163)	Tuberculin test deadline
64.78(163)	Health certificate
64.79(163)	Ear tags
64.80(163)	Cattle importation
64.81(163)	Tuberculin reactors
64.82(163)	Steers—testing
64.83(163)	Female cattle—testing
64.84(163)	Certificates and test charts
64.85(163)	Slaughtering reactors
64.86(163)	Agriculture tuberculin rules
64.87(163)	“Tuberculosis-free accredited herd” defined
64.88(163)	Retesting
64.89(163)	Accredited herd
64.90(163)	Selection of cattle for tuberculin tests
64.91(163)	Identification for test

64.92(163)	Removing cattle from herd
64.93(163)	Milk
64.94(163)	Sanitary measures
64.95(163)	Interstate shipment
64.96(163)	Reactors—removal
64.97(163)	Certificate
64.98(163)	Violation of certificate
64.99(163)	Tuberculin—administration
64.100(163)	Sale of tuberculin
64.101(165)	Fee schedule
64.102 and 64.103	Reserved

CHRONIC WASTING DISEASE (CWD)

64.104(163)	Definitions
64.105(163)	Supervision of the cervid CWD surveillance identification program
64.106(163)	Surveillance procedures
64.107(163)	Official cervid tests
64.108(163)	Investigation of CWD affected animals identified through surveillance
64.109(163)	Duration of quarantine
64.110(163)	Herd plan
64.111(163)	Identification and disposal requirements
64.112(163)	Cleaning and disinfecting
64.113(163)	Methods for obtaining certified CWD cervid herd status
64.114(163)	Recertification of CWD cervid herds
64.115(163)	Movement into a certified CWD cervid herd
64.116(163)	Movement into a monitored CWD cervid herd
64.117(163)	Recognition of monitored CWD cervid herds
64.118(163)	Recognition of certified CWD cervid herds
64.119 to 64.132	Reserved

ERADICATION OF SWINE TUBERCULOSIS

64.133(159)	Indemnity
64.134(159)	Fee schedule
64.135 to 64.146	Reserved

PSEUDORABIES DISEASE

64.147(163,166D)	Definitions. As used in these rules:
64.148 to 64.150	Reserved
64.151(163,166D)	Quarantines
64.152(163,166D)	Nondifferentiable pseudorabies vaccine disapproved
64.153(166D)	Pseudorabies disease program areas
64.154(163,166D)	Identification
64.155(163,166D,172B)	Certificates of inspection
64.156(166D)	Noninfected herds
64.157(166D)	Herd cleanup plan for infected herds (eradication plan)
64.158(166D)	Feeder pig cooperator plan for infected herds
64.159(166D)	Herds of unknown status
64.160(166D)	Approved premises
64.161(166D)	Sales to approved premises
64.162(166D)	Certification of veterinarians to initiate approved herd cleanup plans and approved feeder pig cooperator plan agreements and fee basis
64.163(166D)	Nondifferentiable pseudorabies vaccine disapproved
64.164 to 64.169	Reserved

PARATUBERCULOSIS (JOHNE'S) DISEASE

- 64.170(165A) Definitions
- 64.171(165A) Supervision of the Johne's disease program
- 64.172(165A) Official Johne's disease tests
- 64.173(165A) Vaccination allowed
- 64.174(165A) Herd plan
- 64.175(165A) Identification and disposal requirements
- 64.176(165A) Segregation, cleaning, and disinfecting
- 64.177(165A) Intrastate movement requirements
- 64.178(165A) Import requirements
- 64.179 to 64.184 Reserved

LOW PATHOGENIC AVIAN INFLUENZA (LPAI)

- 64.185(163) Definitions
- 64.186(163) Supervision of the low pathogenic avian influenza program
- 64.187(163) Surveillance procedures
- 64.188(163) Official LPAI tests
- 64.189(163) Investigation of LPAI affected poultry identified through surveillance
- 64.190(163) Duration of quarantine
- 64.191(163) Flock plan
- 64.192(163) Cleaning and disinfecting
- 64.193 to 64.199 Reserved

SCRAPIE DISEASE

- 64.200(163) Definitions
- 64.201(163) Supervision of the scrapie eradication program
- 64.202(163) Identification
- 64.203(163) Restrictions on the removal of official identification
- 64.204(163) Records
- 64.205(163) Responsibility of persons handling animals in commerce to ensure the official identification of animals
- 64.206(163) Veterinarian's responsibilities when identifying sheep or goats
- 64.207(163) Flock plans
- 64.208(163) Certificates of Veterinary Inspection
- 64.209(163) Requirements for shows and sales
- 64.210(163) Movement restrictions for animals and flocks
- 64.211(163) Approved terminal feedlots

CHAPTER 65
ANIMAL AND LIVESTOCK IMPORTATION

- 65.1(163) Definitions
- 65.2(163) Pre-entry permits
- 65.3(163) General requirements and limitations
- 65.4(163) Cattle and bison
- 65.5(163,166D) Swine
- 65.6(163) Goats
- 65.7(163) Sheep
- 65.8(163) Equine
- 65.9(163) Cervidae
- 65.10(163) Dogs and cats
- 65.11(163) Poultry, domestic fowl, and hatching eggs
- 65.12(163) Swine production health plan (SPHP)
- 65.13(163) Penalties

**CHAPTER 66
LIVESTOCK MOVEMENT**

66.1(163)	Definitions and permits
66.2(163)	Animal health sanitation and record-keeping requirements
66.3(163)	Duties and responsibilities of the livestock market management
66.4(163)	Duties and responsibilities of the livestock market veterinary inspector
66.5(163)	Classification of livestock markets and permitholders
66.6(163)	Requirements for state-federal (specifically) approved markets
66.7(163)	Requirements for sale of all bovine animals
66.8(163)	Testing
66.9(163)	Order of sale through auction markets
66.10(163)	Releasing cattle
66.11(163,172B)	Movement of livestock within the state
66.12(189,189A)	Movement of food-producing animals and their products into the state
66.13(163,202C)	Feeder pig dealer bonding/letter of credit requirement and claims procedures
66.14(163)	Intrastate movement requirements
66.15 to 66.19	Reserved
66.20(163)	Revocation or denial of permit

**CHAPTER 67
ANIMAL WELFARE**

67.1(162)	Animals included in rules
67.2(162)	Housing facilities and primary enclosures
67.3(162)	General care and husbandry standards
67.4(162)	Transportation
67.5(162)	Purchase, sale, trade and adoption
67.6(162)	Public health
67.7(162)	Kennels, shelters and other facilities—access, seizure and impoundment
67.8(162)	Applicability to commercial establishments with federal licenses
67.9(162)	Acceptable forms of euthanasia
67.10(162)	Loss of license or denial of license
67.11(162)	Dog day care
67.12(162)	Fostering oversight organizations and foster care homes
67.13(162)	Greyhound breeder or farm fee

**CHAPTER 68
DAIRY**

68.1(192,194)	Definitions
68.2(192)	Licenses and permits required
68.3	Reserved
68.4(192)	Certification of personnel
68.5(190,192,194)	Milk tests
68.6(190,192,194)	Test bottles
68.7 and 68.8	Reserved
68.9(192,194)	Tester's license
68.10(192,194)	Contaminating activities prohibited in milk plants
68.11(192,194)	Suspension of dairy farm permits

GRADE A MILK

68.12(192)	Milk standards
68.13(192,194)	Public health service requirements
68.14(190,192,194,195)	Laboratories

GRADE B MILK	
68.15(192,194)	Milk standards
68.16(194)	Legal milk
68.17(194)	New producers
68.18(194)	Testing and exclusion of Class III milk
68.19(194)	Unlawful milk
68.20(194)	Price differential
68.21(194)	Penalties for plants and producers
68.22(192,194)	Farm requirements for milk for manufacturing
68.23 to 68.25	Reserved
68.26(190,192,194)	Tests for abnormal milk
68.27(192,194)	Standards for performing farm inspections
DAIRY FARM WATER	
68.28 to 68.34	Reserved
68.35(192)	Dairy farm water supply
68.36(192)	Antibiotic testing
68.37(192,194)	Milk truck approaches
68.38 and 68.39	Reserved
MILK TANKER, MILK HAULER, MILK GRADER, CAN MILK TRUCK BODY	
68.40(192)	Definitions
68.41(192)	Bulk milk tanker license required
68.42(192)	Bulk milk tanker construction
68.43(192)	Bulk milk tanker cleaning and maintenance
68.44(192)	Bulk tanker sanitization
68.45(192)	Bulk milk tanker cleaning facility
68.46(192)	Bulk milk tanker cleaning tag
68.47(192)	Dairy plant, receiving station or transfer station records
68.48(192)	Milk hauler license required
68.49	Reserved
68.50(192)	Supplies required for milk collection and sampling
68.51(192)	Milk hauler sanitization
68.52(192)	Examining milk by sight and smell
68.53(192)	Milk hauler hand washing
68.54(192)	Milk temperature
68.55(192)	Connecting the milk hose
68.56(192)	Measuring the milk in the bulk tank
68.57(192)	Milk sample for testing
68.58(192)	Milk collection record
68.59(192)	Loading the milk from the bulk tank to the milk tanker
68.60(192)	Milk samples required for testing
68.61(192)	Bulk milk sampling procedures
68.62(192)	Temperature control sample
68.63(192)	Producer sample identification
68.64(192)	Care and delivery of producer milk samples
68.65(192)	Milk sample carrying case
68.66(192)	Bulk milk delivery
68.67(192)	False samples or records
68.68(192)	Violations prompting immediate suspension
68.69(192)	Milk grader license required
68.70(192)	New milk grader license applicant
68.71(192,194)	Can milk truck body

CHAPTER 69
MILK ROOM AND BULK TANKS FOR MANUFACTURING MILK

69.1(192)	Milk room
69.2(192)	Drainage
69.3(192)	Walls and ceilings
69.4(192)	Milk room windows
69.5(192)	Doors
69.6(192)	Ventilation
69.7(192)	Bulk tank location
69.8(192)	Hose port
69.9(192)	Safety regulations
69.10(192)	Properly located tank

CHAPTER 70
Reserved

CHAPTER 71
STANDARDS FOR DAIRY PRODUCTS

71.1(190)	Dairy products
71.2(189,210)	Requirements for packaging and labeling
71.3(210)	Requirements for the method of sale of commodities
71.4(210)	Requirements for unit pricing
71.5(189,190)	Flavors
71.6(190)	Standard for light butter

CHAPTERS 72 to 75
Reserved

CHAPTER 76
MEAT AND POULTRY INSPECTION

76.1(189A)	Federal Wholesome Meat Act regulations adopted
76.2(189A)	Federal Wholesome Meat Act regulations adopted
76.3(189A)	Federal Poultry Products Inspection Act regulations adopted
76.4(189A)	Inspection required
76.5(189A)	Custom/exempt facilities sanitation standard operating procedures
76.6(189A)	Forms and marks
76.7(189A,167)	Registration
76.8(189A,167)	Dead, dying, disabled or diseased animals
76.9(189A)	Denaturing and identification of livestock or poultry products not intended for use as human food
76.10(189A,167)	Transportation of decharacterized inedible meat or carcass parts
76.11(189A)	Records
76.12	Reserved
76.13(189A)	Voluntary inspections of exotic animals
76.14(189A)	Federal Wholesome Meat Act regulations adopted for the regulation of farm deer

CHAPTER 77
DANGEROUS WILD ANIMALS

77.1(717F)	Definitions
77.2(717F)	Prohibitions
77.3(717F)	Continued ownership—requirements of the individual
77.4(717F)	Continued ownership—insurance required
77.5(717F)	Continued ownership—electronic identification device

77.6(717F)	Continued ownership—registration form
77.7(717F)	Continued ownership—registration fee
77.8(717F)	Continued ownership—records required
77.9(717F)	Continued ownership—enclosure required
77.10(717F)	Continued ownership—signs required
77.11(717F)	Escape notification required
77.12(717F)	Relinquishment
77.13(717F)	Seizure, custody and disposal
77.14(717F)	Exemptions

CHAPTERS 78 to 84
Reserved

CHAPTER 85
WEIGHTS AND MEASURES

WEIGHTS

85.1(215)	“Sensibility reciprocal” defined
85.2	Reserved
85.3(215)	For vehicle, axle-load, livestock, animal, crane and railway track scales
85.4	Reserved
85.5(215)	“Counter scale” defined
85.6(215)	“Spring and computing scales” defined
85.7(215)	“Automatic grain scale” defined
85.8(215)	“Motor truck scales” defined
85.9(215)	“Livestock scales” defined
85.10(215)	“Grain dump scales” defined
85.11(215)	Scale pit
85.12(215)	Pitless scales
85.13(215)	Master weights
85.14(215)	Scale design
85.15(215)	Weighbeams
85.16(215)	Beam box
85.17	Reserved
85.18(215)	Weight capacity
85.19(215)	Provision for sealing coin slot
85.20(215)	Stock racks
85.21(215)	Lengthening of platforms
85.22(215)	Accessibility for testing purposes
85.23(215)	Assistance in testing operations
85.24(215)	Beam scale
85.25(215)	Spring scale
85.26(215)	Weighbeam or beam
85.27(215)	Livestock scale

SCALES

85.28(215)	Wheel-load weighers and axle-load scales
85.29 to 85.32	Reserved

MEASURES

85.33(214A,208A)	Motor fuel and antifreeze tests and standards
85.34(215)	Tolerances on petroleum products measuring devices
85.35(215)	Meter adjustment
85.36(215)	Recording elements

85.37(215)	Air eliminator
85.38(215)	Delivery outlets
85.39(189,215)	Weights and measures
85.40(215)	Inspection tag or mark
85.41(215)	Meter repair
85.42(215)	Security seal
85.43(215)	LP-gas meter repairs
85.44(215)	LP-gas delivery
85.45(215)	LP-gas meter registration
85.46(215)	Reporting new LP-gas meters
85.47	Reserved
85.48(214A,215)	Advertisement of the price of liquid petroleum products for retail use
85.49(214A,215)	Gallonage determination for retail sales
85.50(214,214A,215)	Blender pumps
85.51	Reserved

MOISTURE-MEASURING DEVICES

85.52(215A)	Testing devices
85.53(215A)	Rejecting devices
85.54(215,215A)	Specifications and standards for moisture-measuring devices
85.55 and 85.56	Reserved
85.57(215)	Testing high-moisture grain
85.58 to 85.62	Reserved

HOPPER SCALES

85.63(215)	Hopper scales
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CHAPTERS 86 to 89

Reserved

CHAPTER 90 STATE LICENSED WAREHOUSES AND WAREHOUSE OPERATORS

90.1(203C)	Application of rules
90.2(203C)	Definitions
90.3(203C)	Types of products to be warehoused
90.4(203C,203D)	Application for a warehouse operator license
90.5(203C)	Warehouse operator license
90.6(203C)	Posting of license
90.7(203C)	Renewal, expiration and reinstatement of license—payment of license fee
90.8(203C)	Financial statements
90.9(203C)	Bonds and irrevocable letters of credit
90.10(203C)	Insurance
90.11(203C)	Notice to the warehouse bureau
90.12(203C)	Issuance of warehouse receipts
90.13(203C)	Cancellation of warehouse receipts
90.14(203C)	Lost or destroyed receipt
90.15(203C)	Warehouse receipts
90.16(203C)	Tariffs
90.17(203C)	Records
90.18(203C)	Adjustment of records
90.19(203C)	Shrinkage due to moisture
90.20(203C)	Monthly grain statements
90.21(203C)	Grain stored in another warehouse

90.22(203C)	Warehouse operator's obligation and storage
90.23(203C)	Storing of products
90.24(203C)	Facilities
90.25(203C)	Maintenance of storage facilities
90.26(203C)	Temporary grain storage facilities
90.27(203C)	Emergency ground pile storage space
90.28(203C)	Polyethylene (polyvinyl) bag storage space
90.29(203C)	Prioritization of inspections of warehouse operators
90.30(203C)	Department of agriculture and land stewardship enforcement procedures
90.31(203C)	Review proceedings

CHAPTER 91 LICENSED GRAIN DEALERS

91.1(203)	Application of rules
91.2(203)	Definitions
91.3(203,203D)	Application for a grain dealer license
91.4(203)	Grain dealer license not transferable
91.5(203)	Posting of license
91.6(203)	Surrender of license
91.7(203)	Renewal, expiration and reinstatement of license—payment of license and indemnity fund fees
91.8(203)	Financial statements
91.9(203)	Bonds and irrevocable letters of credit
91.10(203)	Payment
91.11(203)	Books and records
91.12(203)	Assignment of contracts
91.13(203)	Filing of monthly grain statement and reports
91.14(203)	Notice to the warehouse bureau
91.15(203)	Shrinkage due to moisture
91.16(203)	Requirements for Class 2 licensees
91.17(203)	Requirements for licensees authorized to issue credit-sale contracts
91.18(203)	Department of agriculture and land stewardship enforcement procedures
91.19(203)	Review proceedings
91.20(203)	Prioritization of inspections of grain dealers
91.21(203)	Claims against credit-sale contract bond
91.22(203)	Electronic grain contracts
91.23(203)	Electronic grain contract providers and provider agreements
91.24(203)	Electronic grain contract users and user agreements
91.25(203)	Electronic grain contracts—issuance and form
91.26(203)	Security of a provider's electronic central filing system or a licensee's electronic database

CHAPTER 92 PARTICIPATION IN GRAIN INDEMNITY FUND

92.1(203D)	Mandatory participation in fund
92.2(203D)	Required fees
92.3(203D)	New license applicants
92.4(203D)	Due date for payment of the per-bushel and participation fees
92.5(203D)	Penalty for delinquent submission of per-bushel and participation fees
92.6(203D)	Penalty for delinquent payment of per-bushel fee discovered during examination

CHAPTER 93
GRAIN INDEMNITY FUND BOARD—ORGANIZATION AND OPERATIONS

93.1(203D)	Location
93.2(203D)	The board
93.3(203D)	Authority of the board
93.4(203D)	Meetings
93.5(203D)	Minutes
93.6(203D)	Board decisions
93.7(203D)	Records
93.8(203D)	Waiver of per-bushel and participation fees

CHAPTER 94
**CLAIMS AGAINST THE GRAIN DEPOSITORS
AND SELLERS INDEMNITY FUND**

94.1(203D)	Definitions
94.2(203D)	By whom claims can be made
94.3(203D)	Procedure for filing claims
94.4(203D)	Time limitations
94.5(203D)	Claims by depositors where bureau is receiver
94.6(203D)	Notice of claims
94.7(203D)	Report by bureau
94.8(203D)	Determination of claims
94.9(203D)	Appeal from determination
94.10(203D)	Payment of valid claims—conflicting interests

CHAPTER 95
CIVIL PENALTIES

95.1(203,203C)	Definitions
95.2(203,203C)	Grain industry peer review panel
95.3(203,203C)	Organization and location
95.4(203,203C)	Membership
95.5(203,203C)	Staff
95.6(203,203C)	Meetings
95.7(203,203C)	Criteria for assessing civil penalties
95.8(203,203C)	Notice of civil penalty assessment—informal settlement
95.9(203,203C)	Panel review
95.10(203,203C)	Scope of panel review
95.11(203,203C)	Panel response
95.12(203,203C)	Civil penalty assessment
95.13(203,203C)	Judicial assessment
95.14(203,203C)	Civil penalty payment

CHAPTER 47
IOWA ORGANIC PROGRAM

21—47.1(190C) Iowa organic program. The department adopts by reference 7 CFR 205 Subchapter M—Organic Foods Production Act Provisions (April 21, 2001) and the following additional provisions which shall hereby be referred to as the department's organic provisions.

21—47.2(190C) Exempt operations. Rescinded ARC 3611C, IAB 1/31/18, effective 3/7/18.

21—47.3(190C) Drift. The party in control of the site shall notify the department's organic program of suspected pesticide drift incidences onto certified organic land or land which is under consideration for organic certification. The department may require residue testing to make a determination regarding certification. In the case of drift, the affected party may file a complaint under Iowa Code section 206.14 with the department's pesticide bureau.
[ARC 3611C, IAB 1/31/18, effective 3/7/18]

21—47.4(190C) Livestock. Rescinded ARC 3611C, IAB 1/31/18, effective 3/7/18.

21—47.5(190C) Recognition. For the promotion or sale of organic products, only those producers, handlers and processors certified as organic by the department are entitled to utilize the Iowa Organic Program seal attesting to state of Iowa organic certification.
[ARC 3611C, IAB 1/31/18, effective 3/7/18]

21—47.6(190C) General requirements. In order to receive and maintain organic certification from the department, producers, processors and handlers of organic agricultural products shall apply for organic certification with the department and submit all required materials; comply with Iowa Code chapter 190C and this chapter; permit the department to access the operation and all applicable records as deemed necessary; comply with all local, state and federal regulations applicable to the conduct of such business; and submit all applicable fees to the department pursuant to Iowa Code section 190C.5(1) and this chapter.

47.6(1) Application for organic certification.

a. Application for certification shall be completed and submitted with required application materials and fees to the department on forms furnished by the department. Applications submitted to the department after the published deadline date may be charged late fees for application and inspection, and the processing of such applications may be subject to delays or the applications may not be processed at all.

b. The applicant shall inform the department of changes to the organic plan which may affect the conformity of the operation to the certification standards at any time during the certification process and after such certification is granted.

c. The certified party shall inform the department of any changes in the organic plan, such as production changes or intended modification to the product(s) or manufacturing process which may affect the conformity of the operation to the certification standards.

d. The certified party shall keep a record of all complaints made known to that party relating to a product's compliance with requirements to the relevant standard and shall make these records available to the department upon request. The certified party shall take appropriate action with respect to such complaints and any deficiencies found in products or services that affect compliance with the requirements for certification, and all such actions shall be documented and available upon request by the department.

47.6(2) Reserved.

[ARC 3611C, IAB 1/31/18, effective 3/7/18]

21—47.7(190C) Document review. Rescinded IAB 10/29/03, effective 12/3/03.

21—47.8(190C) Certification agent.

47.8(1) The department shall serve as certification agent on behalf of and as authorized by the secretary of agriculture pursuant to Iowa Code section 190C.3.

47.8(2) Scope of certification. Contingent upon USDA accreditation, the department may inspect and certify organic production and handling operations located outside of the state. The intent of the department is to facilitate continuity of certification services to Iowa-based farms or businesses, or when the county in which the applicant resides is contiguous to the state. Consideration may be given to other out-of-state applicants.

[ARC 361C, IAB 1/31/18, effective 3/7/18]

ADMINISTRATIVE

21—47.9(190C) Fees. Fees are established for application, inspection, and certification to support costs associated with activities necessary to administer this program pursuant to Iowa Code sections 190C.5(1) to 190C.5(3). The applicant shall submit all fees to the department for the specific amount and at the appropriate time as specified in this rule. A schedule of application, inspection and certification fees shall be published by the department and disseminated with the application packet.

47.9(1) *Application fee.* The application fee shall accompany the application for certification. An additional late fee shall accompany applications submitted after the published deadline date.

47.9(2) *Inspection fee.* An inspection fee shall be paid by all on-farm production operations; on-farm processing operations; off-farm and nonfarm processing operations; and handling operations. This fee covers the cost of providing the inspection. A base inspection fee will be listed on the fee schedule provided to each applicant; however, if the actual cost of the inspection exceeds the amount listed, the applicant shall be required to pay the balance.

a. An inspection fee shall be assessed to the producer, processor or handler if additional inspections are conducted due to the necessity of a follow-up inspection in the same year or due to the inspection of distinct multiple production or processing sites.

b. The inspection fee shall be submitted after the application has been reviewed to determine that all necessary documents have been provided.

47.9(3) *Certification fees.* Certification fees may be adjusted annually pursuant to Iowa Code section 190C.5(2). The certification fee is assessed annually.

[ARC 361C, IAB 1/31/18, effective 3/7/18]

21—47.10(190C) Compliance.

47.10(1) *Enforcement and investigations.* The department and the attorney general shall enforce Iowa Code chapter 190C and this chapter pursuant to Iowa Code chapter 190C.

47.10(2) *Complaints.* Any person may submit a written complaint to the department regarding a suspected violation of Iowa Code chapter 190C and this chapter pursuant to Iowa Code section 190C.22(2). Such signed complaints shall be submitted on the required form provided by the department upon request.

47.10(3) *Inspection and testing, reporting and exclusion from sale—unscheduled inspection.* All parties making an organic claim may be subject to an unscheduled on-site inspection, review of records and sampling if deemed necessary by the department pursuant to Iowa Code sections 190C.22(3), 190C.22(4), and 190C.24(1) to verify compliance.

47.10(4) *Adverse action appeal process.*

a. *Appeals.* Appeal procedures are established pursuant to Iowa Code section 190C.3(6) under 21—Chapter 2. The department may receive and process appeals regarding organic certification to the extent authorized by the national organic program. Procedures and restrictions concerning the hearing of appeals shall apply.

b. *Written appeal.* Except as specifically provided in the Iowa Code or elsewhere in the Iowa Administrative Code, a person who wishes to appeal an action or proposed action of the department which adversely affects the person shall file a written appeal with the department within 30 calendar days of the action or notice of the intended action. A written notice of appeal shall be considered filed

on the date of the postmark if the notice is mailed. The failure to file timely shall be deemed a waiver of the right to appeal.

c. Records. Records of all appeals, complaints and disputes, and remedial actions relative to certification shall be maintained by the department for a minimum of ten years. Records shall include documentation of appropriate subsequent action taken and its effectiveness.
[ARC 3611C, IAB 1/31/18, effective 3/7/18]

21—47.11(190C) Regional organic associations (ROAs). Rescinded ARC 3611C, IAB 1/31/18, effective 3/7/18.

21—47.12(190C) Private certification organizations (PCOs) and other state certification agencies. Rescinded IAB 10/29/03, effective 12/3/03.

These rules are intended to implement Iowa Code chapter 190C.

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CHAPTER 51 ELIGIBILITY

[Prior to 7/1/83, Social Services[770] Ch 51]
[Prior to 2/11/87, Human Services[498]]

441—51.1(249) Application for other benefits. An applicant or any other person whose needs are included in determining the state supplementary assistance payment must have applied for or be receiving all other benefits, including supplemental security income or the family investment program, for which the person may be eligible. The person must cooperate in the eligibility procedures while making application for the other benefits. Failure to cooperate shall result in ineligibility for state supplementary assistance.

This rule is intended to implement Iowa Code section 249.3.

441—51.2(249) Supplementation. Any supplemental payment made on behalf of the recipient from any source other than a nonfederal governmental entity shall be considered as income, and the payment shall be used to reduce the state supplementary assistance payment.

441—51.3(249) Eligibility for residential care.

51.3(1) Licensed facility. Payment for residential care shall be made only when the facility in which the applicant or recipient is residing is currently licensed by the department of inspections and appeals pursuant to laws governing health care facilities.

51.3(2) Physician's statement. Payment for residential care shall be made only when there is on file an order written by a physician certifying that the applicant or recipient being admitted requires residential care but does not require nursing services. The certification shall be updated whenever a change in the recipient's physical condition warrants reevaluation, but no less than every 12 months.

51.3(3) Income eligibility. The resident shall be income eligible when the income according to 441—paragraph 52.1(3) “a” is less than 31 times the per diem rate of the facility. Partners in a marriage who both enter the same room of the residential care facility in the same month shall be income eligible for the initial month when their combined income according to 441—paragraph 52.1(3) “a” is less than twice the amount of allowed income for one person (31 times the per diem rate of the facility).

51.3(4) Diversion of income. Rescinded IAB 5/1/91, effective 7/1/91.

51.3(5) Resources. Rescinded IAB 5/1/91, effective 7/1/91.

This rule is intended to implement Iowa Code section 249.3.

441—51.4(249) Dependent relatives.

51.4(1) Income. Income of a dependent relative shall be less than \$387 per month. When the dependent's income is from earnings, an exemption of \$65 shall be allowed to cover work expense.

51.4(2) Resources. The resource limitation for a recipient and a dependent child or parent shall be \$2,000. The resource limitation for a recipient and a dependent spouse shall be \$3,000. The resource limitation for a recipient, spouse, and dependent child or parent shall be \$3,000.

51.4(3) Living in the home. A dependent relative shall be eligible until out of the recipient's home for a full calendar month starting at 12:01 a.m. on the first day of the month until 12 midnight on the last day of the same month.

51.4(4) Dependency. A dependent relative may be the recipient's ineligible spouse, parent, child, or adult child who is financially dependent upon the recipient. A relative shall not be considered to be financially dependent upon the recipient when the relative is living with a spouse who is not the recipient.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

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441—51.5(249) Residence. A recipient of state supplementary assistance shall be living in the state of Iowa.

This rule is intended to implement Iowa Code section 249.3.

441—51.6(249) Eligibility for supplement for Medicare and Medicaid eligibles. The following eligibility requirements are specific to the supplement for Medicare and Medicaid eligibles:

51.6(1) Medicaid eligibility. The recipient must be eligible for and receiving full medical assistance benefits under Iowa Code chapter 249A without regard to eligibility based on receipt of state supplementary assistance under this rule, and without being required to meet a spenddown or pay a premium to be eligible for medical assistance benefits.

51.6(2) SSI eligibility. The recipient shall meet all eligibility requirements for supplemental security income benefits other than limits on substantial gainful activity and income.

51.6(3) Not otherwise eligible. The recipient must not be eligible for benefits under another state supplementary assistance group.

51.6(4) Medicare eligibility. The recipient must be currently eligible for Medicare Part B.

51.6(5) Living arrangement. A recipient may live in one of the following:

- a. The person's own home.
- b. The home of another person.
- c. A group living arrangement.
- d. A medical facility.

51.6(6) Income. Income of a recipient shall be within the income limit for the person's Medicaid eligibility group, but must exceed 120 percent of the federal poverty level.

This rule is intended to implement Iowa Code section 249.3 as amended by 2005 Iowa Acts, House File 825, section 108.

441—51.7(249) Income from providing room and board. In determining profit from furnishing room and board or providing family-life home care, \$387 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

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441—51.8(249) Furnishing of social security number. As a condition of eligibility applicants or recipients of state supplementary assistance must furnish their social security account numbers or proof of application for the numbers if they have not been issued or are not known and provide their numbers upon receipt.

Assistance shall not be denied, delayed, or discontinued pending the issuance or verification of the numbers when the applicants or recipients are cooperating in providing information necessary for issuance of their social security numbers.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

441—51.9(249) Recovery.

51.9(1) Definitions.

“*Administrative overpayment*” means assistance incorrectly paid to or for the client because of continuing assistance during the appeal process.

“*Agency error*” means assistance incorrectly paid to or for the client because of action attributed to the department as the result of one or more of the following circumstances:

1. Misfiling or loss of forms or documents.
2. Errors in typing or copying.
3. Computer input errors.
4. Mathematical errors.

5. Failure to determine eligibility correctly or to certify assistance in the correct amount when all essential information was available to the local office.

6. Failure to make prompt revisions in payment following changes in policies requiring the changes as of a specific date.

“*Client*” means a current or former applicant or recipient of state supplementary assistance.

“*Client error*” means assistance incorrectly paid to or for the client because the client or client’s representative failed to disclose information, or gave false or misleading statements, oral or written, regarding the client’s income, resources, or other eligibility and benefit factors. It also means assistance incorrectly paid to or for the client because of failure by the client or client’s representative to timely report as defined in rule 441—76.10(249A).

“*Department*” means the department of human services.

51.9(2) *Amount subject to recovery.* The department shall recover from a client all state supplementary assistance funds incorrectly expended to or on behalf of the client, or when conditional benefits have been granted.

a. The department also shall seek to recover the state supplementary assistance granted during the period of time that conditional benefits were correctly granted the client under the policies of the supplemental security income program.

b. The incorrect expenditures may result from client or agency error, or administrative overpayment.

51.9(3) *Notification.* All clients shall be promptly notified when it is determined that assistance was incorrectly expended. Notification shall include for whom assistance was paid; the time period during which assistance was incorrectly paid; the amount of assistance subject to recovery, when known; and the reason for the incorrect expenditure.

51.9(4) *Source of recovery.* Recovery shall be made from the client or from parents of children under the age of 21 when the parents completed the application and had responsibility for reporting changes. Recovery must come from income, resources, the estate, income tax refunds, and lottery winnings of the client.

51.9(5) *Repayment.* The repayment of incorrectly expended state supplementary assistance funds shall be made to the department.

51.9(6) *Appeals.* The client shall have the right to appeal the amount of funds subject to recovery under the provisions of 441—Chapter 7.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

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CHAPTER 52
PAYMENT

[Prior to 7/1/83, Social Services[770] Ch 52]
[Prior to 2/11/87, Human Services[498]]

441—52.1(249) Assistance standards. Assistance standards are the amounts of money allowed on a monthly basis to recipients of state supplementary assistance in determining financial need and the amount of assistance granted.

52.1(1) Protective living arrangement. The following assistance standards have been established for state supplementary assistance for persons living in a family-life home certified under rules in 441—Chapter 111.

\$813	Care allowance
<hr/>	
\$ 99	Personal allowance
<hr/>	
\$912	Total

52.1(2) Dependent relative. The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient's home.

- a. Aged or disabled client and a dependent relative \$1,137
- b. Aged or disabled client, eligible spouse, and a dependent relative \$1,512
- c. Blind client and a dependent relative \$1,159
- d. Blind client, aged or disabled spouse, and a dependent relative \$1,534
- e. Blind client, blind spouse, and a dependent relative \$1,556

52.1(3) Residential care. For periods of eligibility before July 1, 2017, the department will reimburse a recipient in either a privately operated or non-privately operated residential care facility on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of \$30.11. The department shall establish a cost-related per diem rate for each licensed residential care facility choosing the cost-related reimbursement method of payment according to rule 441—54.3(249).

For periods of eligibility beginning July 1, 2017, payment to a recipient in a privately operated licensed residential care facility shall be based on the maximum per diem rate of \$30.11. Reimbursement for recipients in non-privately operated residential care facilities will be based on the flat per diem rate of \$17.86 or be based on the cost-related reimbursement system with a maximum per diem rate of \$30.11.

For periods of eligibility beginning January 1, 2018, and thereafter, payment to a recipient in a privately operated licensed residential care facility shall be based on the maximum per diem rate of \$30.60. Reimbursement for recipients in non-privately operated residential care facilities will be based on the flat per diem rate of \$17.86 or be based on the cost-related reimbursement system with a maximum per diem rate of \$30.60.

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. All income of a recipient as described in this subrule after the disregards described in this subrule shall be applied to meet the cost of care before payment is made through the state supplementary assistance program.

Income applied to meet the cost of care shall be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

- (1) When income is earned, impairment related work expenses, as defined by SSI plus \$65 plus one-half of any remaining earned income.
- (2) An allowance of \$99 to meet personal expenses and Medicaid copayment expenses.
- (3) When there is a spouse at home, the amount of the SSI benefit for an individual minus the spouse's countable income according to SSI policies. When the spouse at home has been determined eligible for SSI benefits, no income disregard shall be made.
- (4) When there is a dependent child living with the spouse at home who meets the definition of a dependent according to the SSI program, the amount of the SSI allowance for a dependent minus the

dependent's countable income and the amount of income from the parent at home that exceeds the SSI benefit for one according to SSI policies.

(5) Established unmet medical needs of the resident, excluding private health insurance premiums and Medicaid copayment expenses. Unmet medical needs of the spouse at home, exclusive of health insurance premiums and Medicaid copayment expenses, shall be an additional deduction when the countable income of the spouse at home is not sufficient to cover those expenses. Unmet medical needs of the dependent living with the spouse at home, exclusive of health insurance premiums and Medicaid copayment expenses, shall also be deducted when the countable income of the dependent and the income of the parent at home that exceeds the SSI benefit for one is not sufficient to cover the expenses.

(6) The income of recipients of state supplementary assistance or Medicaid needed to pay the cost of care in another residential care facility, a family-life home, an in-home health-related care provider, a home- and community-based waiver setting, or a medical institution is not available to apply to the cost of care. The income of a resident who lived at home in the month of entry shall not be applied to the cost of care except to the extent the income exceeds the SSI benefit for one person or for a married couple if the resident also had a spouse living in the home in the month of entry.

b. Payment is made for only the days the recipient is a resident of the facility. Payment shall be made for the date of entry into the facility, but not the date of death or discharge.

c. Payment shall be made in the form of a grant to the recipient on a post payment basis.

d. Payment shall not be made when income is sufficient to pay the cost of care in a month with less than 31 days, but the recipient shall remain eligible for all other benefits of the program.

e. Payment will be made for periods the resident is absent overnight for the purpose of visitation or vacation. The facility will be paid to hold the bed for a period not to exceed 30 days during any calendar year, unless a family member or legal guardian of the resident, the resident's physician, case manager, or department service worker provides signed documentation that additional visitation days are desired by the resident and are for the benefit of the resident. This documentation shall be obtained by the facility for each period of paid absence which exceeds the 30-day annual limit. This information shall be retained in the resident's personal file. If documentation is not available to justify periods of absence in excess of the 30-day annual limit, the facility shall submit a Case Activity Report, Form 470-0042, to the county office of the department to terminate the state supplementary assistance payment.

A family member may contribute to the cost of care for a resident subject to supplementation provisions at rule 441—51.2(249) and any contributions shall be reported to the county office of the department by the facility.

f. Payment will be made for a period not to exceed 20 days in any calendar month when the resident is absent due to hospitalization. A resident may not start state supplementary assistance on reserve bed days.

g. The per diem rate established for recipients of state supplementary assistance shall not exceed the average rate established by the facility for private pay residents.

(1) Residents placed in a facility by another governmental agency are not considered private paying individuals. Payments received by the facility from such an agency shall not be included in determining the average rate for private paying residents.

(2) To compute the facilitywide average rate for private paying residents, the facility shall accumulate total monthly charges for those individuals over a six-month period and divide by the total patient days care provided to this group during the same period of time.

52.1(4) *Blind.* The standard for a blind recipient not receiving another type of state supplementary assistance is \$22 per month.

52.1(5) *In-home, health-related care.* Payment to a person receiving in-home, health-related care shall be made in accordance with rules in 441—Chapter 177.

52.1(6) *Minimum income level cases.* The income level of those persons receiving old age assistance, aid to the blind, and aid to the disabled in December 1973 shall be maintained at the December 1973 level as long as the recipient's circumstances remain unchanged and that income level is above current standards. In determining the continuing eligibility for the minimum income level, the income limits, resource limits, and exclusions which were in effect in October 1972 shall be utilized.

52.1(7) Supplement for Medicare and Medicaid eligibles. Payment to a person eligible for the supplement for Medicare and Medicaid eligibles shall be \$1 per month.

This rule is intended to implement Iowa Code chapter 249.

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CHAPTER 3 FAIR INFORMATION PRACTICES

The racing and gaming commission adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to fair information practices which are printed in the first volume of the Iowa Administrative Code.

491—3.1(17A,22) Definitions. As used in this chapter:

“*Agency*.” In lieu of the words “(official or body issuing these rules)”, insert “racing and gaming commission”.

491—3.3(17A,22) Requests for access to records.

3.3(1) Location of record. In lieu of the words “(insert agency head)”, insert “Administrator”. In lieu of the words “(insert agency name and address)”, insert “Racing and Gaming Commission, 1300 Des Moines Street, Suite 100, Des Moines, Iowa 50309”.

3.3(2) Office hours. In lieu of the words “(insert customary office hours, and if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m. Monday through Friday except legal holidays”.

3.3(7) Fees.

c. *Supervisory fee.* In lieu of the words “(specify time period)”, insert “30 minutes”.

[ARC 0734C, IAB 5/15/13, effective 6/19/13]

491—3.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words “(designate office)”, insert “racing and gaming commission”.

491—3.9(17A,22) Disclosures without the consent of the subject.

3.9(1) Open records are routinely disclosed without the consent of the subject.

3.9(2) To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

a. For a routine use as defined in rule 491—3.10(17A, 22) or in the notice for a particular record system.

b. To a recipient who has provided the agency 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 to the agency 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 if a notice of the disclosure is transmitted to the last known address of the subject.

e. To the legislative services agency under Iowa Code section 2A.3.

f. Disclosures in the course of employee disciplinary proceedings.

g. In response to a court order or subpoena.

491—3.10(17A,22) Routine use. “*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. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

3.10(1) To the extent allowed by law, the following uses are considered routine uses of all agency records:

- a. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may upon request of any officer, employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.
- b. 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 order.
- c. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.
- d. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.
- e. Any disclosure specifically authorized by the statute under which the record was collected or maintained.
- f. Information transferred to any originating agency when racing and gaming commission has completed the authorized audit, investigation, or inspection.

3.10(2) Reserved.

491—3.11(17A,22) Consensual disclosure of confidential records.

3.11(1) Consent to disclosure by a subject individual. To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 491—3.7(17A,22).

3.11(2) Complaints to public officials. A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency may 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.

3.11(3) Sharing information. Notwithstanding any statutory confidentiality provision, the agency may share information with the child support recovery unit and the college student aid commission through manual or automated means for the sole purpose of identifying licensees or applicants subject to enforcement under Iowa Code chapter 252J, 261 or 598.

491—3.12(17A,22) Release to subject.

3.12(1) A written request to review confidential records may be filed by the subject of the record as provided in rule 491—3.6(17A,22). The commission need not release the following records to the subject:

- a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.
- b. Records need not be disclosed to the subject when they are the work product of an attorney or otherwise privileged.
- c. Investigative reports may be withheld from the subject, except as required by the Iowa Code. (See Iowa Code section 22.7(5))
- d. As otherwise authorized by law.

3.12(2) Where a record has multiple subjects with interest in the confidentiality of the record, the commission may take reasonable steps to protect confidential information relating to another subject.

491—3.13(17A,22) Availability of records.

3.13(1) Agency records are open for public inspection and copying unless otherwise provided by rule or law.

3.13(2) Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)
- b. Tax records made available to the agency. (Iowa Code sections 422.20 and 422.72)
- c. Exempt records under Iowa Code section 22.7.

- d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4))
- e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) "d."
- f. Those portions of commission staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by commission staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:
 - (1) Enable law violators to avoid detection;
 - (2) Facilitate disregard of requirements imposed by law; or
 - (3) Give a clearly improper advantage to persons who are in an adverse position to the agency. (Iowa Code sections 17A.2 and 17A.3)
- g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122.11, the rules of evidence, the Code of Professional Responsibility, and case law.
- h. Criminal investigative reports. (Iowa Code section 22.7(5))
- i. Information gathered during an investigation during pendency of the investigation or information requested for inspection by the commission or a representative of the commission. (Iowa Code sections 99D.7(8), 99D.19(3), 99F.4(6) and 99F.12(4))
- j. Personnel files and employee records. Information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).
- k. Security plans, surveillance system plans and records, network audits, internal controls, and compliance records of the licensees that are made available to the commission that would enable law violators to avoid detection and give a clearly improper advantage to persons who are in an adverse position to the agency. (Iowa Code sections 17A.2, 17A.3, 22.7(18), 99D.19(3) and 99F.12(4))
- l. Promotional play receipts records and marketing expenses. (Iowa Code sections 99D.19(3) and 99F.12(4))
- m. Patron and customer records. (Iowa Code sections 99D.19(3) and 99F.12(4))
- n. Supplemental schedules to the certified audit that are obtained by the commission in connection with the annual audit under Iowa Code sections 99D.20 and 99F.13. (Iowa Code sections 99D.19(3) and 99F.12(4))

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491—3.14(17A,22) Personally identifiable information. The commission maintains systems of records which contain personally identifiable information.

3.14(1) Board of stewards or gaming board hearings and contested case records. Records are maintained in paper and computer files and contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a hearing are contained in the board of stewards or gaming board hearing or contested case records as well as summary lists of enforcement activities.

Records are collected by authority of Iowa Code chapters 99D and 99F. None of the information stored in a data processing system is compared with information in any other data processing system.

3.14(2) Occupational licensing. Records associated with occupational licensing conducted under Iowa Code chapters 99D and 99F are maintained by this commission. The licensing system of records includes numerous files and crossfiles which include but are not limited to: computer storage of licensing records and photos, fingerprint cards, and license applications. The records associated with occupational licenses, which contain personally identifiable information, are open for public inspection only upon the approval of the administrator or the administrator's designee. The information stored in a data processing system is not compared with information in any other data processing system.

3.14(3) List of contested cases and stewards' hearings. The commission may utilize a listing of contested case and stewards' hearings furnished by a national organization and provide individually identifiable information to that organization. The list is used for purposes delineated in Iowa Code chapter 99D.

These rules are intended to implement Iowa Code section 22.11 and chapters 99D and 17A.

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CHAPTER 5
TRACK, GAMBLING STRUCTURE, AND EXCURSION GAMBLING BOAT
LICENSEES' RESPONSIBILITIES

[Prior to 11/19/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]
[Prior to 8/9/00, see also 491—Chs 20 and 25]

491—5.1(99D,99F) In general. For purposes of this chapter, the requirements placed upon an applicant shall become a requirement to the licensee once a license to race or operate a gaming facility has been granted. Every license is granted upon the condition that the license holder shall accept, observe, and enforce the rules and regulations of the commission. It is the affirmative responsibility and continuing duty of each officer, director, and employee of said license holder to comply with the requirements of the application and conditions of the license and to observe and enforce the rules. The holding of a license is a privilege. The burden of proving qualifications for the privilege to receive any license is on the licensee at all times. A licensee must accept all risks of adverse public notice or public opinion, embarrassment, criticism, or financial loss that may result from action with respect to a license. Licensees further covenant and agree to hold harmless and indemnify the Iowa racing and gaming commission from any claim arising from any action of the commission in connection with that license.

491—5.2(99D,99F) Annual reports. Licensees shall submit audits to the commission as required by Iowa Code sections 99D.20 and 99F.13. The audit of financial transactions and condition of licensee's operation shall include an internal control letter, documentation that the county board of supervisors selected the auditing firm, a balance sheet, and a profit-and-loss statement pertaining to the licensee's activities in the state, including a breakdown of expenditures and subsidies. If the licensee's fiscal year does not correspond to the calendar year, a supplemental schedule indicating financial activities on a calendar-year basis shall be included in the report. In the event of a license termination, change in business entity, or material change in ownership, the administrator may require the filing of an interim report, as of the date of occurrence of the event. The filing due date shall be the later of 30 calendar days after notification to the licensee or 30 calendar days after the date of the occurrence of the event, unless an extension is granted.

5.2(1) The annual audit report required by Iowa Code section 99D.20 shall include a schedule detailing the following information: number of performances; attendance; regulatory fee; total mutuel handle and taxes paid to the state, city, and county; unclaimed winnings; purses paid indicating sources; total breakage and disbursements; and the disbursements of 1 percent of exotic wagers on three or more racing animals.

5.2(2) The annual audit report required by Iowa Code section 99F.13 shall include:

a. A schedule detailing a weekly breakdown of adjusted gross revenue; taxes paid to the state, city, county, and county endowment fund; and regulatory fees.

b. A report on whether material weaknesses in internal accounting control exist.

c. A report on whether the licensee has followed the system of internal accounting control approved by the administrator.

[ARC 1876C, IAB 2/18/15, effective 3/25/15]

491—5.3(99D,99F) Information. The licensee shall submit all information specifically requested by the commission or commission representative.

491—5.4(99D,99F) Uniform requirements.

5.4(1) Maintenance of premises and facilities. Each licensee shall at all times maintain its premises and facilities so as to be neat and clean, well landscaped, painted and in good repair, handicapped accessible, with special consideration for the comfort and safety of patrons, employees, and other persons whose business requires their attendance.

5.4(2) Facilities for commission. Each licensee shall provide reasonable, adequately furnished office space, including utilities, direct long-distance access for voice and data lines, custodial services, and

necessary office equipment, and, if applicable, work space on the boat for the exclusive use of the commission employees and officials. The licensee shall also make available appropriate parking places for commission staff.

5.4(3) Sanitary facilities for patrons. Each licensee shall, on every day of operation, provide adequate and sanitary toilets and washrooms and furnish free drinking water for patrons and persons having business on the licensee's premises.

5.4(4) First-aid room.

a. During all hours of operation, each licensee shall equip and maintain adequate first-aid facilities and have, at a minimum, one employee trained in CPR, first aid, and the use of the automated external defibrillator (AED). During live racing at horse racetracks and while excursion gambling boats are cruising, the licensee shall have present either a physician, a physician assistant, a registered nurse, a licensed practical nurse, a paramedic, or an emergency medical technician.

b. All individuals specified under paragraph 5.4(4) "a" must be currently licensed or certified, including active status, in accordance with the requirements of the Iowa department of public health.

c. Each licensee is required to have a properly functioning and readily accessible AED at the licensee's facility.

5.4(5) Security force.

a. *Peace officer.* Each licensee shall ensure that a person who is a certified peace officer is present as outlined in the facility's security plan approved by the commission. A certified peace officer pursuant to this rule must be employed by a law enforcement agency and have police powers.

b. *Employ adequate security.* Each licensee shall employ sufficient security to remove from the licensed premises a person violating a provision of Iowa Code chapter 99D or 99F, commission rules, or orders; any person deemed to be undesirable by racing and gaming commission officials; or any person engaging in a fraudulent practice. Security shall also be provided in and about the premises to secure restricted areas including, but not limited to, the barn area, kennel area, paddock, and racing animal drug testing area.

c. *Incident reports.* The licensee shall be required to file a written report, within 72 hours, detailing any incident in which an employee or patron is detected violating a provision of Iowa Code chapter 99D or 99F, a commission rule or order, or internal controls; or is removed for reasons specified under paragraph 5.4(5) "b." In addition to the written report, the licensee shall provide immediate notification to the commission and DCI representatives on duty or, if representatives are not on duty, provide notification on each office's messaging system if the incident involved employee theft, criminal activity, Iowa Code chapter 99D or 99F violations, or gaming receipts.

d. *Ejection or exclusion.* A licensee may eject or exclude any person, licensed or unlicensed, from the premises or a part thereof of the licensee's facility, solely of the licensee's own volition and without any reason or excuse given, provided ejection or exclusion is not founded on constitutionally protected grounds such as race, creed, color, disability, or national origin.

Reports of all ejections or exclusions for any reason, other than voluntary exclusions, shall be made promptly to the commission representative and DCI and shall state the circumstances. The name of the person must be reported when the person is ejected or excluded for more than one gaming day.

The commission may exclude any person ejected by a licensee from any or all pari-mutuel facilities, gambling structures, or excursion gambling boats controlled by any licensee upon a finding that attendance of the person would be adverse to the public interest.

5.4(6) Firearms possession within licensed facility.

a. No patron or employee of the licensee, including the security department members, shall possess or be permitted to possess any pistol or firearm within a licensed facility without the express written approval of the administrator unless:

(1) The person is a peace officer, on duty, acting in the peace officer's official capacity; or

(2) The person is a peace officer possessing a valid peace officer permit to carry weapons who is employed by the licensee and who is authorized by the administrator to possess such pistol or firearm while acting on behalf of the licensee within that licensed facility.

b. Each licensee shall post in a conspicuous location at each entrance a sign that may be easily read stating, "Possession of any firearm within the licensed facility without the express written permission of the Iowa racing and gaming commission is prohibited".

5.4(7) Video recording. Licensees shall conduct continuous surveillance with the capability of video recording all gambling activities under Iowa administrative rules 661—Chapter 141, promulgated by the department of public safety.

a. "Gambling activities" means participating in or wagering on gambling games on the gaming floor; the movement, storage, and handling of uncounted gambling revenues; manual exchange of moneys for forms of wagering credit on the gaming floor; entrance of the public onto the gaming floor; and any other activity as determined by the commission administrator or administrator's designee.

b. Commission and DCI representatives shall have unrestricted access to and use of, including independent access capabilities, both live and recorded views and images of the surveillance system.

c. A commission representative may allow a gambling game to be placed in operation pending approval under 661—Chapter 141.

d. A surveillance department shall develop a standard operating procedure manual, which shall include surveillance system maintenance and emergency plans. This manual shall be made available for inspection by the commission and DCI.

e. A facility may include capabilities within the surveillance system for video recording of other areas of a facility and grounds, provided that commission and DCI access is unrestricted.

5.4(8) Commission approval of contracts and business arrangements.

a. *Qualifying agreements.*

(1) All contracts and business arrangements entered into by a facility are subject to commission jurisdiction. Written and verbal contracts and business arrangements involving a related party or in which the term exceeds three years or the total value in a calendar year exceeds \$100,000 regardless of payment method are agreements that qualify for submission to and approval by the commission. Contracts and business arrangements with entities licensed pursuant to rule 491—11.13(99F) are exempt from submission to and approval by the commission. For the purpose of this subrule, a qualifying agreement shall be limited to:

1. Any obligation that expends, encumbers, or loans facility assets to anyone other than a not-for-profit entity, a unit of government for the payment of taxes, or an entity that provides water, sewer, gas or electric utility services to the facility.

2. Any disposal of facility assets or provision of goods and services at less than market value to anyone other than a not-for-profit entity or a unit of government.

3. A previously approved qualifying agreement, if consideration exceeds the approved amount in a calendar year by the greater of \$100,000 or 25 percent or if the commission approval date of an ongoing contract is more than five years old.

4. Any type of contract, regardless of value or term, where a third party provides electronic or mechanical access to cash or credit for a patron of the facility. The contract must contain a clause that provides for immediate notification and implementation when technology becomes available to allow a person to voluntarily bar the person's access to receive cash or credit from such devices located on the licensed premises.

(2) A debt transaction greater than \$3 million entered into by a licensee or licensee's parent company assigning an obligation to a licensee, except a debt transaction previously approved in subrule 5.4(20), is subject to commission jurisdiction. The request for approval shall include:

1. The names and addresses of all parties;
2. The amount and source of funds;
3. The nature and amount of security and collateral provided;
4. The specific nature and purpose of the transaction; and
5. The term sheet or executive summary of the transaction.

(3) A qualifying agreement must be submitted within 30 days of execution. Commission approval must be obtained prior to implementation, unless the qualifying agreement contains a written clause stating that the agreement is subject to commission approval. Qualifying agreements need only be

submitted on initiation, unless there is a material change in terms or noncompliance with 5.4(8) "b"(4) or to comply with 5.4(8) "a"(1)"3."

b. *Purpose of review.* The commission conducts reviews to serve the public interest to ensure that:

- (1) Gaming is free from criminal and corruptive elements.
- (2) Gaming-related funds are directed to the lawful recipient.
- (3) Gaming profits are not improperly distributed.
- (4) Iowa resources, goods and services are utilized. Resources, goods, and services shall be considered to be made in Iowa, be provided by Iowans, or emanate from Iowa if one or more of the following apply:

1. Goods are manufactured in Iowa.
2. Goods are distributed through a distributor located in Iowa.
3. Goods are sold by a retailer/wholesaler located in Iowa.
4. Resources are produced or processed in Iowa.
5. Services are provided by a vendor whose headquarters/home office is in Iowa.
6. Goods, resources or services are provided by a vendor whose headquarters/home office is located outside Iowa, but which has a tangible business location (not simply a post office box) and does business in Iowa.
7. Services beyond selling are provided by employees who are based in Iowa.

A facility shall be considered to have utilized a substantial amount of Iowa resources, goods, services and entertainment in compliance with Iowa Code sections 99D.9 and 99F.7(4) if the facility demonstrates to the satisfaction of the commission that preference was given to the extent allowed by law and other competitive factors.

c. *Related parties.* Other submittal requirements notwithstanding, agreements negotiated between the facility and a related party must be accompanied by an economic and qualitative justification. For the purpose of this subrule, related party shall mean any one of the following having any beneficial interest in any other party with whom the facility is seeking to negotiate an agreement:

- (1) Any corporate officer or member of a facility's board of directors.
- (2) Any owner with more than a 5 percent interest in a facility.
- (3) A member of either the qualified sponsoring organization or the qualifying organization under Iowa Code section 99D.8 associated with a facility.

d. *Review criteria.* The commission shall approve all qualifying agreements that, in the commission's sole opinion, represent a normal business transaction and may impose conditions on an approval. The commission may deny approval of any agreement that, in the commission's sole opinion, represents a distribution of profits that differs from commission-approved ownership and beneficial interest. This subrule does not prohibit the commission from changing the approved ownership or beneficial interest.

5.4(9) Checks. All checks accepted must be deposited in a bank by the close of the banking day following acceptance.

5.4(10) Taxes and fees.

a. *Annual taxes and fees.* All taxes and fees, whose collection by the state is authorized under Iowa Code chapters 99D and 99F, shall be accounted for on a fiscal-year basis, each fiscal year beginning on July 1 and ending on June 30.

b. *Submission of taxes and fees.*

(1) All moneys collected for and owed to the commission or state of Iowa under Iowa Code chapter 99F shall be accounted for and itemized on a weekly basis in a format approved by the commission. Each day on the report shall be an accurate representation of the gaming activities. A week shall begin on Monday and end on Sunday.

(2) The reporting form must be received in the commission office by noon on Wednesday following the week's end. The moneys owed, according to the reporting form, must be received in the treasurer's office by 11 a.m. on the Thursday following the week's end.

(3) Pursuant to Iowa Code section 99F.1(1), taxes from promotional play receipts that are received within the same gaming week but after the date when the limit set forth in the definition of "adjusted

gross receipts" is exceeded, as determined by the administrator, will be credited to each facility in the next available gaming week within the same fiscal year.

c. *Calculation of promotional play receipts.* For the purpose of calculating the amount of taxes received from promotional play receipts during a fiscal year, the commission will consider promotional play receipts as taxed in proportion to total adjusted gross receipts for each gaming day.

5.4(11) Rate of tax revenue. Each licensee shall prominently display at the licensee's gambling facility the annual percentage rate of state and local tax revenue collected by state and local government from the gambling facility annually.

5.4(12) Problem gambling.

a. The holder of a license to operate gambling games and the holder of a license to accept simulcast wagering shall adopt and implement policies and procedures designed to:

(1) Identify problem gamblers; and

(2) Allow persons to be voluntarily excluded for five years or life from all facilities. Each facility will disseminate information regarding the exclusion to all other facilities.

b. The policies and procedures shall be developed in cooperation with the gambling treatment program and shall include without limitation the following:

(1) Training of key employees to identify and report suspected problem gamblers;

(2) Procedures for recording and tracking identified problem gamblers;

(3) Policies designed to prevent serving alcohol to intoxicated casino patrons;

(4) Steps for removing problem gamblers from the casino; and

(5) Procedures for preventing reentry of problem gamblers.

c. A licensee shall include information on the availability of the gambling treatment program in a substantial number of its advertisements and printed materials.

5.4(13) Records regarding ownership.

a. In addition to other records and information required by these rules, each licensee shall maintain the following records regarding the equity structure and owners:

(1) If a corporation:

1. A certified copy of articles of incorporation and any amendments thereto.

2. A copy of bylaws and amendments thereto.

3. A current list of officers and directors.

4. Minutes of all meetings of stockholders and directors.

5. A current list of all stockholders and stockholders of affiliates, including their names and the names of beneficial shareholders.

6. A complete record of all transfers of stock.

7. A record of amounts paid to the corporation for issuance of stock and other capital contributions and dates thereof.

8. A record, by stockholder, of all dividends distributed by the corporation.

9. A record of all salaries, wages, and other remuneration (including perquisites), direct and indirect, paid by the corporation during the calendar or fiscal year to all officers, directors, and stockholders with an ownership interest at any time during the calendar or fiscal year, equal to or greater than 5 percent of the outstanding stock of any class of stock.

(2) If a partnership:

1. A schedule showing the amounts and dates of capital contributions, the names and addresses of the contributors, and percentage of interest in net assets, profits, and losses held by each.

2. A record of the withdrawals of partnership funds or assets.

3. A record of salaries, wages, and other remuneration (including perquisites), direct and indirect, paid to each partner during the calendar or fiscal year.

4. A copy of the partnership agreement and certificate of limited partnership, if applicable.

(3) If a sole proprietorship:

1. A schedule showing the name and address of the proprietor and the amount and date of the original investment.

2. A record of dates and amounts of subsequent additions to the original investment and withdrawals therefrom.

3. A record of salaries, wages, and other remuneration (including perquisites), direct or indirect, paid to the proprietor during the calendar or fiscal year.

b. All records regarding ownership shall be located in a place approved by the commission.

c. If the licensee is publicly held, upon the request of the administrator, the licensee shall submit to the commission one copy of any report required to be filed by such licensee or affiliates with the Securities and Exchange Commission or other domestic or foreign securities regulatory agency. If the licensee is privately held, upon the request of the administrator, the licensee shall submit financial, ownership, or other entity records for an affiliate.

5.4(14) *Retention, storage, and destruction of books, records, and documents.*

a. Except as otherwise provided, all original books, records, and documents pertaining to the licensee's operations shall be:

(1) Prepared and maintained in a complete and accurate form.

(2) Retained at a site approved by the administrator until audited.

(3) Held immediately available for inspection by the commission during business hours of operations.

(4) Organized and indexed in such a manner as to provide immediate accessibility to the commission.

b. For the purpose of this subrule, "books, records, and documents" shall be defined as any book, record, or document pertaining to or prepared or generated by the licensee including, but not limited to, all forms, reports, accounting records, ledgers, subsidiary records, computer-generated data, internal audit records, correspondence, contracts, and personnel records, including information concerning a refusal to submit to drug testing and test results conducted pursuant to Iowa Code section 730.5.

c. All original books, records, and documents may be copied and stored on microfilm, microfiche, or other suitable media system approved by the administrator.

d. No original book, record, document, or suitable media copy may be destroyed by a licensee, for three years, without the prior approval of the administrator.

5.4(15) *Remodeling.* For any construction that changes the specific function of a public space of the facility, the licensee must first submit plans to and receive the approval of the administrator.

5.4(16) *Officers, agents, and employees.* Licensees are accountable for the conduct of their officers, agents, and employees. The commission or commission representative reserves the right to impose penalties against the license holder or its officer, agent, employee, or both as the commission or commission representative determines appropriate. In addition, the licensee shall be responsible for the conduct of nonlicensed persons in nonpublic areas of the excursion gambling boat, gambling structure, or racetrack enclosure.

5.4(17) *Designated gaming floor.* The designated gaming floor is all areas occupied by or accessible from a gambling game, not otherwise obstructed by a wall, door, partition, barrier, or patron entrance. A patron entrance shall be identified by a sign visible to patrons approaching the gaming floor. The sign shall denote entrance to the gaming floor and specify that the gaming floor is not accessible to persons under the age of 21. A floor plan identifying the area shall be filed with the administrator for review and approval. Modification to a previously approved plan must be submitted for approval at least ten days prior to implementation.

5.4(18) *State fire and building codes.*

a. Barges, as defined in 5.6(1)"c," and other land-based gaming facilities and such facilities that undergo major renovation shall comply with the state building code created by Iowa Code chapter 103A, if there is no local building code in force in the local jurisdiction in which the facility is located. A licensee shall submit construction documents and plans to the state building code commissioner and receive approval prior to construction, if a facility is subject to the state building code.

b. If there is no enforcement of fire safety requirements by a local fire department, a licensee shall also submit construction plans and documents to the state fire marshal and receive approval prior to construction. The fire marshal may cause a facility subject to this paragraph to be inspected for

compliance with fire marshal rules prior to operation of the facility and shall notify the commission and the licensee of the results of any such inspection.

c. If a proposed new or renovated facility is subject to both paragraphs "a" and "b," a single submission of construction plans and documents to the building code commissioner, with a cover letter stating that review and approval are required with respect to both the state building code and rules of the fire marshal, is sufficient to meet both requirements. Facilities subject to both paragraphs "a" and "b" shall have received approval from both the fire marshal and the building code commissioner prior to construction.

5.4(19) *Gambling setoff.* Each licensee shall adopt and implement policies and procedures designed to set off winnings of patrons who have a valid lien established under Iowa Code chapters 99D and 99F.

5.4(20) *Shelf application for debt.*

a. The commission may grant approval of a shelf application for a period not to exceed three years.

b. Licensees whose parent company has issued publicly traded debt or publicly traded securities may apply to the commission for a shelf approval of debt transactions if the parent company has:

(1) A class of securities listed on the New York Stock Exchange, the American Stock Exchange or the National Association of Securities Dealers Automatic Quotation System (NASDAQ) or has stockholders' equity in the amount of \$15 million or more as reported in the parent company's most recent report on Form 10-K or Form 10-Q filed with the Securities and Exchange Commission (SEC) immediately preceding application; and

(2) Filed all reports required by the SEC.

c. The application shall be in writing and shall contain:

(1) Proof of qualification to make the application in accordance with the criteria of this subrule.

(2) A statement of the amount of debt sought to be approved and the intended use of potential proceeds.

(3) Duration sought for the shelf approval.

(4) Financing rate sought during shelf approval.

(5) Evidence of signature by authorized representative of the licensee under oath.

(6) Other supplemental documentation requested by the commission or commission representative following the initial submission.

d. Once an application is approved by the commission:

(1) The licensee shall notify the commission representative of all debt transactions within ten days of consummation, including subsequent amendments and modifications of debt transactions, and provide executed copies of the documents evidencing the transactions as may be required.

(2) The commission representative may rescind a shelf approval without prior written notice. The rescission shall be in writing and set forth the reasons for the rescission and shall remain in effect until lifted by the commission upon the satisfaction of any such terms and conditions as required by the commission.

5.4(21) *Network security.*

a. The licensee shall biennially submit the results of an independent network security risk assessment to the administrator for review, subject to the following requirements:

(1) The testing organization must be independent of the licensee and shall be qualified by the administrator.

(2) The network security risk assessment shall be conducted no later than 90 days after the start of the licensee's fiscal year in each year an assessment is required.

(3) Results from the network security risk assessment shall be submitted to the administrator no later than 90 days after the assessment is conducted.

b. At the discretion of the administrator, additional network security risk assessments may be required.

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491—5.5(99D) Pari-mutuel uniform requirements.

5.5(1) Insect and rodent control. The licensee shall provide systematic and effective insect and rodent control, including control of flies, mosquitoes, fleas, and mice, to all areas of licensee's premises at all times during a race meeting.

5.5(2) Results boards, totalizators required. Each licensee shall provide and maintain computerized totalizators and electronic boards showing odds, results, and other racing information located in plain view of patrons.

5.5(3) Photo finish camera. A licensee shall provide two electronic photo finish devices with mirror image to photograph the finish of each race and record the time of each racing animal in at least hundredths of a second. The location and operation of the photo finish device must be approved by the commission before its first use in a race. The licensee shall promptly post a photograph, on a monitor, of each photo finish for win, place or show, or for fourth place in superfecta races, in an area accessible to the public. The licensee shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the commission. On request by the commission, the licensee shall provide, without cost, a print of a photo finish to the commission. A photo finish of each race shall be maintained by the licensee for not less than six months after the end of the race meeting, or such other period as may be requested by the commission.

5.5(4) Electric timing device. Any electric timing device used by the licensee shall be approved by the commission.

5.5(5) Official scale. The licensee shall provide and maintain in good working order official scales or other approved weighing devices. The licensee shall provide to the stewards certification of the accuracy of the scales at the beginning of each race meeting or more frequently if requested by the stewards.

5.5(6) Lighting. Each licensee shall provide and maintain adequate illumination in the barn/kennel area, parking area, and racetrack area.

5.5(7) Fencing. The stable and kennel areas should be properly fenced as defined by the commission and admission permitted only in accord with rules of the commission.

5.5(8) Guest passes. The licensee shall develop a policy to be approved by the stewards for the issuance of guest passes for entrance to the kennel or stable area. The guest pass is not an occupational license and does not permit the holder to work in any capacity or in any way confer the benefits of an occupational license to participate in racing. The license holder sponsoring or escorting the guest shall be responsible for the conduct of the guest pass holder.

5.5(9) Stewards. There shall be three stewards for each racing meet, two appointed by the commission and one nominated by the licensee for approval by the commission. The names of licensees' nominees for steward and biographical information describing the experience and qualifications of the nominees shall be submitted no later than 45 days before commencement of a race meeting. The commission may consider for appointment or approval a person who meets all of the following requirements. The person shall have:

- a. Engaged in pari-mutuel racing in a capacity and for a period satisfactory to the commission.
- b. Satisfactorily passed an optical examination within one year prior to approval as a steward evidencing corrected 20/20 vision and the ability to distinguish colors correctly.
- c. Satisfied the commission that income, other than salary as a steward, is independent of and unrelated to patronage of or employment by any occupational licensee under the supervision of the steward, so as to avoid the appearance of any conflict of interest or suggestion of preferential treatment of an occupational licensee.

5.5(10) Purse information. Each licensee shall provide to the commission at the close of each racing meet the following purse information:

a. The identity of each person or entity to which purse money is paid by the licensee for purses won by racing animals at the facility. This report shall include the name, residential or business address and amount paid to that person or entity. The data should be assembled separately for Iowa and non-Iowa addressees, and aggregates should be presented in descending order of magnitude.

b. The identity of each person or entity to which purse money is paid by the licensee for purses won by Iowa-bred animals at the facility. This report shall include the name, residential or business address

and amount paid to that person or entity in supplemental funds for ownership of Iowa-bred animals. The data should be assembled separately for Iowa and non-Iowa addressees, and aggregates should be presented in descending order of magnitude.

5.5(11) Designated wagering area. The designated wagering area is a rectangular area within a minimum of five feet from the front and from either side of a stationary wagering window or self-service wagering device, not otherwise obstructed by a wall or other barrier. The facility shall either section off or clearly delineate the floor of the area and post a sign near the area, which is visible to patrons approaching the area, denotes the wagering area and specifies that the wagering area is not accessible to persons under the age of 21. The designation applies only when the wagering window or device is open to transact wagering. A floor plan identifying the area shall be filed with the administrator for review and approval. Modification to a previously approved plan must be submitted for approval at least ten days prior to implementation. Exceptions to this rule must be approved in writing by the commission.

5.5(12) Mobile pari-mutuel wagering. Pari-mutuel wagering shall be allowed outside the designated wagering area using mobile pari-mutuel tellers with portable wagering devices and by any other method approved in writing by the commission.

[ARC 2927C, IAB 2/1/17, effective 3/8/17; ARC 3608C, IAB 1/31/18, effective 3/7/18]

491—5.6(99F) Excursion gambling boat uniform requirements.

5.6(1) Excursion gambling boat.

a. *Capacity.* The minimum passenger capacity necessary for an excursion gambling boat is 250.

b. *Excursion boat.* A self-propelled, floating “vessel” as defined by the U.S. Coast Guard may contain more than one vessel. In order to be utilized for gaming purposes, the vessel containing the casino must either contain a permanent means of propulsion or have its means of propulsion contained in an attached vessel. In the event that the vessel containing the casino is propelled by a second vessel, the boat will be considered self-propelled only when the vessels are designed, constructed, and operated as a single unit.

c. *Moored barge.* “Barge” means any stationary structure approved by the commission, where the entire gaming floor is located on or near a body of water as defined under Iowa Code section 99F.7, subsection 1, and which facility is subject to land-based building codes rather than maritime or Iowa department of natural resources inspection laws and regulations.

5.6(2) Excursions.

a. *Length.* The excursion season shall be from April 1 through October 31 of each calendar year. An excursion boat must operate at least one excursion during the excursion season to operate during the off-season, although a waiver may be granted by the commission in the first year of a boat’s operation if construction of the boat was not completed in time for the boat to qualify. Excursions shall consist of a minimum of one hour in transit during the excursion season. The number of excursions per day is not limited. During the excursion season and the off-season, while the excursion gambling boat is docked, passengers may embark or disembark at any time during business hours pursuant to Iowa Code section 99F.4(17).

b. *Dockside completion of excursions.* If, during the excursion season, the captain determines that it would be unsafe to complete any portion of an excursion, or if mechanical problems prevent the completion of any portion of an excursion, the boat may be allowed to remain at the dock or, if the excursion is underway, return to the dock and conduct the gaming portion of the excursion while dockside, unless the captain determines that passenger safety is threatened.

c. *Notification.* If an excursion is not completed due to reasons specified in paragraph 5.6(2) “b,” a commission representative shall be notified as soon as is practical.

5.6(3) Drug testing of boat operators. Captains, pilots, and physical operators of excursion gambling boats shall be drug tested, as permitted by Iowa Code section 730.5, on a continuous basis with no more than 60 days between tests. The testing shall be conducted by a laboratory certified by the United States Department of Health and Human Services or approved under the rules adopted by the Iowa department of public health. The facility shall report positive test results to a commission representative.

These rules are intended to implement Iowa Code chapters 99D and 99F.

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[◊] Two or more ARCS

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CHAPTER 6
OCCUPATIONAL AND VENDOR LICENSING
[Prior to 11/19/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]

491—6.1(99D,99F) Definitions.

“*Applicant*” means an individual applying for an occupational license.

“*Beneficial interest*” means any and all direct and indirect forms of ownership or control, voting power, or investment power held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

“*Board*” means either the board of stewards or the gaming board, as appointed by the administrator, whichever is appropriate. The administrator may serve as a board of one.

“*Commission*” means the Iowa racing and gaming commission.

“*Commission representative*” means a gaming representative, steward, or any person designated by the commission or commission administrator.

“*Conviction*” means the act or process of judicially finding someone guilty of a crime; the state of a person’s having been proved guilty; the judgment that a person is guilty of a crime or criminal offense, which includes a guilty plea entered in conjunction with a deferred judgment, and a juvenile who has been adjudicated delinquent. The date of conviction shall be the date the sentence and judgment is entered.

“*Deceptive practice*” means any deception or misrepresentation made by the person with the knowledge that the deception or misrepresentation could result in some benefit to the person or some other person.

“*Facility*” means an entity licensed by the commission to conduct pari-mutuel wagering or gaming operations in Iowa.

“*Jockey*” means a person licensed to ride a horse in a race.

“*Kennel/stable name*” means any type of name other than the legal name or names used by an owner or lessee and registered with the commission.

“*Licensee*” means a person licensed by the commission to perform an occupation which the commission has identified as requiring a license for a person to work in the pari-mutuel, gambling structure, or excursion gambling boat industry in Iowa.

“*Occupation*” means a license category listed on the commission’s occupational license application form.

“*Owner*” means a person or entity that holds any title, right or interest, whole or partial, in a racing animal.

“*Rules*” means the rules promulgated by the commission to regulate the racing and gaming industries.

“*Theft*” includes, but is not limited to:

1. The act of taking possession or control of either facility property or the property of another without the express authorization of the owner;

2. The use, disposition, or destruction of property in a manner which is inconsistent with or contrary to the owner’s rights in such property;

3. Misappropriation or misuse of property the person holds in trust for another; or

4. Any act which constitutes theft as defined by Iowa Code chapter 714. No specific intent requirement is imposed by rule 6.5(99D,99F) nor is it required that there be any showing that the licensee received personal gain from any act of theft.

“*Year*” means a calendar year.

491—6.2(99D,99F,252J) Occupational licensing.

6.2(1) All persons participating in any capacity at a racing or gaming facility, with the exception of certified law enforcement officers while they are working for the facility as uniformed officers, are required to be properly licensed by the commission.

- a. License applicants may be required to furnish to the commission a set of fingerprints and may be required to be refingerprinted or rephotographed periodically.
- b. License applicants must supply current photo identification and proof of their social security number and date of birth.
- c. License applicants must complete and sign the application form prescribed and published by the commission. An incomplete application shall not be processed. The application shall state the full name, social security number, residence, date of birth, and other personal identifying information of the applicant that the commission deems necessary. The application shall include, in part, whether the applicant has any of the following:
 - (1) A record of conviction of a felony or misdemeanor, including a record involving the entry of a deferred judgment and adjudications of delinquency;
 - (2) An addiction to alcohol or a controlled substance;
 - (3) A history of mental illness or repeated acts of violence;
 - (4) Military convictions;
 - (5) Adjudication of delinquency; or
 - (6) Overdue income taxes, fines, court-ordered legal obligations, or judgments.
- d. License applicants for designated positions of higher responsibility may be required to complete a division of criminal investigation (DCI) background form.
- e. A fee set by the commission shall be assessed to each license applicant. Once a license is issued, the fee cannot be refunded.
- f. License applicants must pay an additional fee set by the Federal Bureau of Investigation (FBI) and by the department of public safety (DCI and bureau of identification) to cover the cost associated with the search and classification of fingerprints.
- g. All racing and gaming commission fees for applications or license renewals must be paid by applicants or licensees before a license will be issued or renewed or, if the applicant is an employee of a facility, the commission fees will be directly billed to the facility.
- h. An applicant who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.
- i. Participation in racing and gaming in the state of Iowa is a privilege and not a right. The burden of proving qualifications to be issued any license is on the applicant at all times. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action, as well as any financial loss that may result from action with respect to an application.
- j. All licenses are conditional until completion of a necessary background investigation including, but not limited to, fingerprint processing through the DCI and the FBI and review of records on file with national organizations, courts, law enforcement agencies, and the commission.
- k. Any licensee who allows another person use of the licensee's license badge for the purpose of transferring any of the benefits conferred by the license may be fined, have the license suspended or revoked, or be subject to any combination of the above-mentioned sanctions. No license shall be transferable and no duplicate licenses shall be issued except upon submission of an application form and payment of the license fee.
- l. It shall be the affirmative responsibility and continuing duty of each applicant to provide all information, documentation, and assurances pertaining to qualifications required or requested by the commission or commission representatives and to cooperate with commission representatives in the performance of their duties. A refusal by any person to comply with a request for information from a commission representative shall be a basis for fine, suspension, denial, revocation, or disqualification.
- m. Non-U.S. citizens must supply documentation authorizing them to work in the United States or supply documentation demonstrating compliance with the North American Free Trade Agreement.
- n. Portions of all completed applications accepted by the commission are confidential. The following persons have the explicit right to review all information contained on the application: the applicant, all commission officials and employees, the track steward, and DCI agents or other law enforcement officers serving in their official capacity.

o. A license may not be issued or held by an applicant who is unqualified, by experience or otherwise, to perform the duties required.

p. A license may not be issued to applicants who have not previously been licensed in the following occupations except upon recommendation by the commission representative: trainers, assistant trainers, jockeys, apprentice jockeys, exercise persons, and other occupations the commission may designate. The commission representative may, for the purpose of determining a recommendation under this subrule, consult a representative of the facility, horsemen, or jockeys.

6.2(2) All facility board members shall undergo a background investigation and be licensed immediately upon appointment.

6.2(3) Multiple license restrictions.

a. A person may work outside the licensed occupation as long as the person is licensed in an equal or higher occupation.

b. In horse racing only, the following restrictions apply:

(1) A person licensed as a jockey or veterinarian may not be licensed in another capacity.

(2) A person may not be licensed as an owner and a jockey agent.

(3) No racing official may serve or act in another capacity at a race meeting at which that person is licensed as an official except if there is no conflict of interest or duties as determined by the commission representative.

6.2(4) Application endorsements. The responsibility of licensing an employee rests with the employer. Therefore, a license may not be issued to any employee unless the application includes prior endorsement of the facility's authorized representative. All facilities must submit a list of representatives authorized to sign applications. This list shall not exceed six names. This authorization list shall be sent to the commission licensing office associated with each facility.

6.2(5) An applicant who has not held a license for the previous calendar year shall be considered a first-time applicant.

6.2(6) Interim identification badge.

a. All interim identification badges issued by a facility must be recorded in a logbook, which is available for inspection by commission or DCI representatives. The logbook must reflect the following information: date issued; user's name and date of birth (verified by photo ID); occupation; badge number; issuer; time issued; and time returned. Badges shall only be issued on a daily basis and must be returned before the employee leaves facility premises. A badge shall be effective only until the commission licensing office's next day of business, and may not be used to avoid obtaining a duplicate license.

b. A badge shall only be issued if:

(1) An employee is hired during a time that the commission licensing office is closed; or

(2) An employee is not in possession of the employee's occupational license.

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—6.3(99D,99F) Waiver of privilege. An applicant may claim a privilege afforded by the Constitution of the United States or of the state of Iowa in refusing to answer questions of the commission. However, a claim of privilege with respect to any testimony or evidence pertaining to an application may constitute sufficient grounds for denial.

491—6.4(99D,99F) License acceptance.

6.4(1) *Occupational license (license).* The license shall be displayed in a conspicuous manner on the licensee's clothing at all times while the licensee is on duty unless otherwise permitted by the commission representative. A licensee is prohibited from defacing, altering, or modifying a license.

6.4(2) *Knowledge of rules.* By acceptance of a license from the commission, the licensee agrees to follow and comply with the rules of the commission and Iowa statutes pertaining to racing and gaming, to report immediately to the commission representative any known irregularities or wrongdoing involving racing or gaming and to cooperate in subsequent investigations. Commission rules are available on the commission's website at irgc.iowa.gov.

6.4(3) Search and seizure. Acceptance of a license from the commission by any licensee is deemed consent to search and inspection by a commission or DCI representative and to the seizure of any prohibited medication, drugs, paraphernalia or devices.

6.4(4) Misuse of license. No person shall exercise or attempt to exercise any of the powers, privileges, or prerogatives of a license unless and until the appropriate licensing form has been executed and filed with the commission except under subrule 6.2(6). The commission shall exercise the power to regulate the conduct of all persons holding licenses or participating in racing or gaming.
[ARC 2927C, IAB 2/1/17, effective 3/8/17]

491—6.5(99D,99F) Grounds for denial, suspension, or revocation of a license or issuance of a fine. The commission or commission representative shall deny an applicant a license or, if already issued, a licensee shall be subject to probation, fine, suspension, revocation, or other disciplinary measures, if the applicant or licensee:

6.5(1) Does not qualify under the following screening policy:

- a. Applicants must be at least 18 years of age to work in areas where gaming or wagering is conducted.
- b. Applicants must be at least 16 years of age to be eligible to be licensed to work for a trainer of racing animals.

c. A license shall be denied if, within the last five years, an applicant has had:

- (1) A felony conviction;
- (2) A conviction for an offense involving theft or fraudulent practice in excess of \$500;
- (3) A conviction for an offense involving the use of an alias in connection with fraud; or
- (4) A conviction for an offense involving ownership, operation, or an interest in any bookmaking or other illegal enterprise or if the applicant is or has been connected with or associated with any illegal enterprise.

If the conviction occurred more than five years before application, a license shall not be issued unless the commission representative determines that sufficient evidence of rehabilitation exists.

d. Unless sufficient evidence of rehabilitation exists, a license shall be denied if any applicant has had:

- (1) A conviction of a serious or aggravated misdemeanor or the equivalent; or
- (2) Multiple convictions of simple misdemeanors.

e. A license shall be temporarily denied or suspended until the outcome of any pending charges is known if conviction would disqualify the applicant and the commission representative determines that the applicant poses an immediate danger to the public health, safety, or welfare of the patrons, participants, or animals associated with a facility licensed under Iowa Code chapter 99D or 99F.

f. A license shall be denied if the applicant has an addiction to alcohol or a controlled substance without sufficient evidence of rehabilitation, has a history of mental illness without demonstrating successful treatment by a licensed medical physician, or has a history of repeated acts of violence without sufficient evidence of rehabilitation.

g. A license may be temporarily denied or a probationary license may be issued until outstanding, overdue court-ordered obligations are satisfied. These obligations include, but are not limited to, criminal or civil fines, state or federal taxes, or conditions imposed upon the applicant by a court of law that the applicant has failed to meet in a timely manner.

h. A license may be denied if an applicant is ineligible to participate in gaming in another state and it would not be in the best interest of racing or gaming to license the applicant in Iowa. A license shall be denied if an applicant is ineligible to participate in racing in another state whose regulatory agency is recognized by and reciprocates in the actions of this state.

i. A license shall be denied and not reinstated if an applicant has been denied patron privileges by order of the commission.

j. A license shall be denied if the applicant falsifies the application form and would be ineligible for licensure under one or more of the provisions set forth in paragraphs "a" through "i" above. In other

cases of falsification, a license may be issued and the applicant shall be subject to a suspension, fine, or both.

k. A license shall be denied if an applicant is not of good repute and moral character. Any evidence concerning a licensee's current or past conduct, dealings, habits, or associations relevant to that individual's character and reputation may be considered. The commission representative shall decide what weight and effect evidence shall have in the determination of whether there is substantial evidence that the individual is not of good reputation and character. Applicants who hold positions of higher responsibility may be held to a more stringent standard of conduct and reputation than others with a less significant interest or role.

6.5(2) Has not demonstrated financial responsibility or has failed to meet any monetary obligation in the following circumstances connected with racing or gaming:

a. Issuance or passing of bad checks. No person shall write, issue, make, or present any check in payment for any license fee, nomination fee, entry fee, starting fee, or purse payment when that person knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which it is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account.

b. Judgments. Whenever any person licensed to engage in racing suffers a final judgment entered against that person in any court of competent jurisdiction within the United States, when that judgment is based wholly upon an indebtedness incurred by that person for supplies, equipment, or services furnished in connection with racing, the commission representatives shall schedule a hearing at which the licensee shall be required to show cause as to why the license should not be suspended.

c. Timely payment. Should an owner fail to make timely payment of any jockey fee, nomination fee, entry fee, starting fee, or any other reasonable charge normally payable to the facility, the facility shall notify the commission representatives who shall in turn give notice to the owner that a hearing will be held where the owner will be required to show cause why the license should not be suspended for failure to make the required payments.

6.5(3) Has been involved in any fraudulent or corrupt practices, including, but not limited to:

a. Offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person licensed by the commission to violate these rules or the laws of the state related to racing or gaming.

b. Failing to report any bribe or solicitation as in 6.5(3) "a" above.

c. Soliciting by any licensee, except the facility, of bets by the public.

d. Violation of any law of the state or rule of the commission, or aiding or abetting any person in the violation of any such law or rule.

e. Theft or deceptive practice of any nature on the premises of a facility.

f. Giving under oath any false statement or refusing to testify, after proper notice, to the commission representative about any matter regulated by the commission, except in the exercise of a lawful legal privilege.

g. Failing to comply with any request for information or any order or ruling issued by the commission representative pertaining to a racing or gaming matter.

h. Disorderly or offensive conduct; use of profane, abusive, or insulting language to, or interference with, commission representatives or racing or gaming officials while they are discharging their duties.

i. Conduct in Iowa or elsewhere has been dishonest, undesirable, detrimental to, or reflects negatively on, the integrity or best interests of racing and gaming.

j. Illegal sale, possession, receipt, or use of a controlled substance or drug paraphernalia; intoxication; use of profanity; fighting; making threatening or intimidating statements; engaging in threatening or intimidating behavior; or any conduct of a disorderly nature on facility premises.

k. Discontinuance of or ineligibility for activity for which the license was issued.

l. Possessing a firearm on facility property without written permission from the commission representative.

m. Improperly influencing or attempting to improperly influence the results of a race or a gambling game, singularly or in combination with any person.

n. Failing to report any attempt to improperly influence the result of a race or a gambling game as in 6.5(3) "m" above.

o. Having had two rulings related to attempts to affect a race result or odds (rulings for electrical devices, serious positives, for example) in a lifetime or one ruling within the last three years. A license may be issued if one ruling has occurred outside of three years if sufficient evidence of rehabilitation exists. A license may be denied if a lengthy record of rulings from other jurisdictions exists.

p. Possessing any equipment for hypodermic injection, any substance for hypodermic administration, or any container designed to hold an injectable substance (narcotics, medications, drugs, or substances which could be used to alter the speed of racing animals) by anyone other than a veterinarian licensed by the commission. Notwithstanding the provisions of this subrule, any person may have possession of any chemical or biological substance for the person's own treatment within a restricted area, provided that, if the chemical substance is prohibited from being dispensed without a prescription by any federal law or law of this state, the person is in possession of documentary evidence that a valid prescription has been issued to the person. Notwithstanding the provisions of this subrule, any person may have in possession within any restricted area any hypodermic syringe or needle for the purpose of self-administering to the person a chemical or biological substance, provided that the person has notified the commission representatives of the possession of the device, the size of the device, and the chemical substance to be administered and has obtained written permission for possession and use from the commission representative. A restricted area is a designated area for sample collection, paddock, racetrack, or any other area where officials carry out the duties of their positions.

q. Subjecting an animal to cruel and inhumane treatment by failing to supply it with adequate food, water, medical treatment, exercise, bedding, sanitation, and shelter; or by neglect or intentional act causing an animal to suffer unnecessary pain.

r. Offering or receiving money or other benefit for withdrawing a racing animal from a race.

s. Making a wager for a jockey by any person other than the owner or trainer of the horse ridden by the jockey.

t. Making a wager for a jockey on a horse by an owner or trainer other than that ridden by the jockey. This shall not be construed to include bets on another horse in combination with the horse ridden by the jockey in multiple wagering bets.

u. Offering or giving a jockey money or other benefit concerning a race, except by the owner or trainer of the horse to be ridden.

v. Entering or starting a racing animal known or believed to be ineligible or disqualified.

w. Possessing any device designed to increase or decrease the speed of a racing animal during a race other than an ordinary riding whip without written permission from the commission representative.

x. Communicating with or contacting a person who is voluntarily excluded pursuant to Iowa Code chapter 99D or 99F for gaming-related activities.

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 2927C, IAB 2/1/17, effective 3/8/17]

491—6.6(99D,99F) Applications for license after denial, revocation, or suspension.

6.6(1) Any person whose license was denied or revoked may reapply for a license in accordance with the commission's rules governing applications. However, the applicant must satisfy the following conditions:

a. The applicant shall bear the burden of proof of establishing satisfaction with all license criteria and shall provide proof of satisfaction of any terms or conditions imposed as a part of the commission's order denying or revoking the license;

b. The applicant shall allege facts and circumstances establishing, to the commission's satisfaction, sufficient evidence of rehabilitation and that the basis for the denial or revocation no longer exists;

c. The applicant shall establish that the public interest and the integrity of racing and gaming would not be adversely affected if a license is granted; and

d. If the license was revoked, a new application shall not be filed until five years have elapsed from the date of the order of revocation.

6.6(2) Any person whose license was suspended for 365 days may file a new application for a license upon the expiration of the period of suspension but must satisfy all of the conditions set forth in 6.6(1) "a," "b," and "c" above. If a person's license has not expired after the 365-day suspension, the person must have a hearing before a board to determine if the person has satisfied all of the conditions set forth in 6.6(1)"a," "b," and "c" above prior to that individual's participating in racing or gaming.

491—6.7(99D,99F) Probationary period placed on a license. The commission representative or the board may place a probationary period on a license. The terms of the probationary period shall include the effective dates, conditions placed on the licensee and any penalty for failure to follow those conditions, including fine, suspension, denial, or revocation.

491—6.8(99D,99F) Duration of license. A license issued by the commission is valid for three calendar years. The license shall expire at the end of the third calendar year, unless an extension is granted by the administrator.

[ARC 2468C, IAB 3/30/16, effective 5/4/16]

491—6.9(99D,99F) Licensed employees moving from one location to another.

6.9(1) Once an applicant obtains an occupational license from the commission and is in good standing, the applicant is eligible to work at any of the facilities in the state of Iowa.

6.9(2) When a facility hires a person who is already in possession of a current occupational license, a list of the person(s) hired must be filed weekly with the local commission office before the person(s) begins working. The list should contain the license number, name, social security number, and birth date of each person hired.

[ARC 3608C, IAB 1/31/18, effective 3/7/18]

491—6.10(99D,99F) Required report of discharge of licensed employee. Upon discharge of any licensed employee by any licensed employer for violation of rules or laws within the jurisdiction of the commission, the employer must report that fact in writing, within 72 hours, to the local commission office including the name and occupation of the discharged licensee.

491—6.11(99D,99F,252J) Receipt of certificate of noncompliance from the child support recovery unit.

6.11(1) Upon the commission's receipt of a certificate of noncompliance, a commission representative shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. A notice of intended action shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with Iowa Rule of Civil Procedure 1.305.

6.11(2) The effective date of suspension or revocation, or denial of the issuance or renewal of a license, as specified in the notice, shall be no sooner than 30 days following service of the notice upon the licensee or applicant.

6.11(3) The filing of a district court action by a licensee or applicant challenging the issuance of a certificate of noncompliance shall automatically stay any administrative action. Upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the commission, the intended action will proceed as described in the notice. For purposes of determining the effective date of suspension or revocation, or denial of the issuance or renewal of a license, only the number of days before the action was filed and the number of days after the action was disposed of by the court will be counted.

6.11(4) Upon receipt of a withdrawal of a certificate of noncompliance from the child support recovery unit, the commission representative shall immediately reinstate, renew, or issue a license if the individual is otherwise in compliance with licensing requirements.

6.11(5) All commission fees for applications or license renewals must be paid by licensees or applicants before a license will be issued or renewed.

491—6.12(99D,99F,261) Receipt of a certificate of noncompliance from the college student aid commission.

6.12(1) Upon the commission's receipt of a certificate of noncompliance, a commission representative shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. A notice of intended action shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with Iowa Rule of Civil Procedure 1.305.

6.12(2) The effective date of the suspension or revocation, or denial of the issuance or renewal of a license, shall be no sooner than 30 days following service of the notice upon the licensee or applicant.

6.12(3) The filing of a district court action by a licensee or applicant challenging the issuance of a certificate of noncompliance shall automatically stay any administrative action. Upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the commission, the intended action will proceed as described in the notice. For purposes of determining the effective date of suspension or revocation, or denial of the issuance or renewal of a license, only the number of days before the action was filed and the number of days after the action was disposed of by the court will be counted.

6.12(4) Upon receipt of a withdrawal of a certificate of noncompliance from the college student aid commission, the commission representative shall immediately reinstate, renew, or issue a license if the individual is otherwise in compliance with licensing requirements.

6.12(5) All commission fees for applications or license renewals must be paid by licensees or applicants before a license will be issued or renewed.

491—6.13(99D,99F,272D) Receipt of certificate of noncompliance from the centralized collection unit of the department of revenue.

6.13(1) Upon the commission's receipt of a certificate of noncompliance, a commission representative shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. A notice of intended action shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with Iowa Rule of Civil Procedure 1.305.

6.13(2) The effective date of suspension or revocation, or denial of the issuance or renewal of a license, as specified in the notice, shall be no sooner than 30 days following service of the notice upon the licensee or applicant.

6.13(3) The filing of a district court action by a licensee or applicant challenging the issuance of a certificate of noncompliance shall automatically stay any administrative action. Upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the commission, the intended action will proceed as described in the notice. For purposes of determining the effective date of suspension or revocation, or denial of the issuance or renewal of a license, only the number of days before the action was filed and the number of days after the action was disposed of by the court will be counted.

6.13(4) Upon receipt of a withdrawal of a certificate of noncompliance from the centralized collection unit, the commission representative shall immediately reinstate, renew, or issue a license if the individual is otherwise in compliance with licensing requirements.

6.13(5) All commission fees for applications or license renewals must be paid by licensees or applicants before a license will be issued or renewed.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.14(99D,99F) Vendor's license.

6.14(1) A vendor's license is required of any entity not licensed as a manufacturer or distributor that conducts operations on site at a facility.

6.14(2) An applicant for a vendor's license must complete the appropriate commission form. An authorized representative from the facility for which the vendor wishes to do continuous business must sign the form. A letter from the facility authorizing the vendor to do business shall replace a signature on the application form.

6.14(3) Any employee who works for a licensed vendor and will be supplying the goods or services to the facility must have a vendor employee license. A vendor license must be issued before a vendor employee can be issued a license to represent that company. The authorized signature on the vendor employee's application must be the signature of the person authorized by the vendor application to sign vendor employee applications.

6.14(4) Rescinded IAB 9/29/04, effective 11/3/04.
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.15(99D,99F) Applicability of rules—exceptions. Rules pertaining to and rulings against licensees shall apply in like force to the spouse and members of the immediate family or household of the licensee if the continuation of participation in racing or gaming by the affected person circumvents the intent of the rule or affects the ruling by permitting a person under the control or direction of the licensee to serve in essence as a substitute for a suspended licensee, or a person ineligible to participate in a particular activity.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.16(99D) Disclosure of ownership of racing animals. All entities of ownership (individual, lessee, lessor, general partnership, or corporation) and all trainers are responsible for making full and accurate disclosure of the ownership of all racing animals registered or entered for racing. Disclosure shall identify in writing all individuals or entities that, directly or indirectly, through a contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise hold any interest in a racing animal, and those individuals or entities who by virtue of any form of interest might exercise control over the racing animal or may benefit from the racing of the animal. The degree and type of ownership held by each individual person shall be designated. The transfer of a racing animal to avoid application of a commission rule or ruling is prohibited and constitutes grounds for discipline.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.17(99D) Owners of racing animals.

6.17(1) Each greyhound owner must obtain an owner's license from the commission to enter an animal in an official schooling race or a purse race at an Iowa racetrack.

6.17(2) Each owner is subject to the laws of Iowa and the rules promulgated by the commission immediately upon acceptance and occupancy of accommodations from or approved by a facility or upon making entry to run on its track. Owners shall accept the decision of the commission representative on any and all questions, subject to the owner's right of appeal to the commission.

6.17(3) An owner who is under the age of 18 must have a parent or guardian cosign any contractual agreements.

6.17(4) No person or entity that is not the owner of record of a properly registered racing animal that is in the care of a licensed trainer may be licensed as an owner.

6.17(5) Temporary horse owner license. Rescinded IAB 11/5/08, effective 12/10/08.
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.18(99D) Kennel/stable name.

6.18(1) Licensed owners and lessees wishing to race under a kennel/stable name may do so by applying for a license with the commission on forms furnished by the commission. All kennel/stable names must be licensed with the commission on forms furnished by the commission, and in accordance with the requirements of 491—6.17(99D).

6.18(2) A kennel/stable name license is only necessary if the kennel/stable name is a name other than the licensed owner's legal name (first and last name), the owner's full name followed by the word "kennel" or "stable," or a licensed partnership or corporation.

6.18(3) In applying to race under a kennel/stable name, the applicant must disclose the identities behind the name and, if applicable, comply with partnership and corporation rules. The application form must appoint one person to act as the agent for the kennel/stable name.

6.18(4) Changes in identities involved in a kennel/stable name must be reported immediately to and approved by the commission representative.

6.18(5) A licensed owner who has registered under a kennel/stable name may at any time cancel the kennel/stable name after giving written notice to the commission.

6.18(6) A kennel/stable name may be changed by registering a new name.

6.18(7) A licensed owner may not register a kennel/stable name that the commission determines to be either misleading to the public or unbecoming to the sport.

6.18(8) Neither sole owners nor partners, after adopting use of a kennel/stable name, may use their real names to reflect ownership that is reflected in the kennel/stable name.

6.18(9) A fee set by the commission shall be assessed for each application for a kennel/stable name license.

6.18(10) No person may register with any racing authority a stable name which has already been registered by another person, or which is the real name of another owner of race horses, or which is the real or stable name of any prominent person who does not own race horses, or which is not plainly distinguishable from that of another registered stable name.

6.18(11) Contract kennels must be licensed with the commission, on forms furnished by the commission, in the name of the kennel booking contract entered into between the contract kennel and the facility; this name shall be listed in the official program as "kennel."

6.18(12) A licensed kennel owner shall not be a party to more than one kennel name at the same facility.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.19(99D) Leases (horse racing only).

6.19(1) No licensee shall lease a racing animal for the purpose of racing at facilities in this state without prior approval of the commission representatives.

6.19(2) Both lessor and lessee must be licensed as owners.

6.19(3) Each licensee who leases a racing animal must submit a copy of that lease to the commission representatives. The lease must contain the conditions of the lease arrangement and the names of all parties and racing animals related to the lease. Failure to submit accurate and complete information under this rule is a violation of these rules.

6.19(4) Both seller and purchaser, or their agents or representatives, of a racing animal that is sold after being registered for racing with a racing association shall immediately notify the commission representatives of the sale and transfer. The commission representatives may require a declaration of the facts of the sale and transfer under oath and penalty of perjury.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.20(99D) Partnerships owning racing animals.

6.20(1) A partnership is defined as a formal or informal arrangement between two or more persons to own a racing animal. All partnerships, excluding spouses, must be licensed with the commission on forms furnished by the commission, and in accordance with the requirements of 491—6.17(99D).

6.20(2) The managing partner(s) listed on the application and all parties owning 5 percent or more must be licensed as individual owners.

a. The commission representative may request a partnership to have on file with the commission an agreement whereby the managing partner(s) is designated to be responsible for each racing animal. This agreement must be notarized and must be signed by all partners. A copy of this agreement must be attached to the registration certificate on file in the racing secretary's office.

b. It will be the responsibility of the managing partner(s) to make sure that all parties are eligible for licensure. The commission representative shall deny, suspend, or revoke the license of any partnership in which a member (either qualified or limited by rights or interests held, or controlled by any individual or entity) would be ineligible to be licensed as an owner or to participate in racing.

c. Any owner who is a member of a partnership may be required to list all racing animals that the owner intends to race in Iowa in which an interest is owned (either in whole or in part).

d. All parties to a partnership shall be jointly and severally liable for all stakes, forfeits, and other obligations.

e. An authorized agent may be appointed to represent the partnership in all matters and be responsible for all stakes, forfeits, entries, scratches, signing of claim slips, and other obligations in lieu of the managing partner(s).

6.20(3) A partnership name under which a racing animal races shall be considered a kennel/stable name for purposes of these rules. It will not be necessary for the partnership to obtain a kennel/stable name license.

6.20(4) Any partner's share or partial share of a partnership that owns a racing animal shall not be assigned without the written consent of the other partner(s), the commission representative's approval, and filing with the racing secretary. Any alteration in a partnership structure or percentages must be reported promptly in writing, notarized, signed by all members of the partnership, and filed with the commission.

6.20(5) The commission representative may review the ownership of each racing animal entered to race and shall ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owner(s). The commission representative may determine the validity for racing purposes of all liens, transfers and agreements pertaining to ownership of a racing animal and may call for adequate evidence of ownership at any time. The commission representative may declare any animal ineligible to race if its ownership, or control of its ownership, is in question.

6.20(6) A fee set by the commission shall be assessed for each application for a partnership license.
[ARC 7658B, IAB 3/25/09, effective 3/23/09; ARC 2927C, IAB 2/1/17, effective 3/8/17]

491—6.21(99D) Corporations owning racing animals.

6.21(1) All corporations must be duly licensed by the commission on forms furnished by the commission, and in accordance with the requirements of 491—6.17(99D). In addition, any stockholder owning a beneficial interest of 5 percent or more of the corporation must be licensed as an owner. The corporation must submit a complete list of stockholders owning a beneficial interest of 5 percent or more.

6.21(2) The corporation stockholders owning less than 5 percent of the stock of a corporation need not be licensed; however, the commission may request a list of these stockholders. The list shall include names, percentages owned, addresses, social security numbers, and dates of birth. These stockholders shall not have access to the backstretch, to the paddock area, or to the winner's circle other than as guests of a facility, commission representatives, or designated licensees and may be required to submit additional information as requested by the commission representative, which may include a release for confidential information and submission of fingerprint cards; and the commission may assess costs, as required, for criminal history checks. This information shall be supplied to the commission representative within 30 days of the date of the request.

6.21(3) Any and all changes in either the corporation structure or the respective interest of stockholders as described above must be notarized and promptly filed with the commission representatives.

6.21(4) The corporate name under which the corporation does business in Iowa shall be considered a kennel/stable name for purposes of these rules. It shall not be necessary for the corporation to obtain a kennel/stable name license.

6.21(5) A corporation, in lieu of an executive officer, may appoint a racing manager or an authorized agent for the purposes of entry, scratches and the signing of claim slips, among other obligations.

6.21(6) The commission representative may deny, suspend, or revoke the license of a corporation for which a beneficial interest includes or involves any person or entity that is ineligible (through character, moral fitness or any other criteria employed by the commission) to be licensed as an owner or to participate in racing, regardless of the percentage of ownership interest involved.

6.21(7) Any stockholder holding a beneficial interest of 5 percent or more of a corporation must, in addition to being licensed, list any interest owned in all racing animals in which any beneficial interest is owned.

6.21(8) The corporation must pay a prescribed fee to the commission.
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.22(99D) Authorized agents for owner entities of racing animals.

6.22(1) Any persons represented by a kennel name, stable name, corporation, partnership, or single person entity may assign an agent for the kennel name, stable name, corporation, partnership, or single person entity. The assigned agent is then authorized to handle matters pertaining to racing, which may include authorization to collect all purses or other moneys.

6.22(2) The application for a license as an authorized agent must be signed by the principal and clearly set forth the powers of the agent, including whether the agent is empowered to collect money from the facility. The application must be notarized and a copy must be filed with the facility.

6.22(3) Changes in an agent's powers or revocation of an agent's authority must be in writing, notarized, and filed with the commission's licensing office and the facility.

6.22(4) The authorized agent must pay a prescribed fee to the commission.
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.23(99D) Trainers and assistant trainers of racing animals.

6.23(1) All trainers and assistant trainers of racing animals and their employees are subject to the laws of Iowa and the rules promulgated by the commission immediately upon acceptance and occupancy of accommodations from or approved by the facility or upon making entry to run on its track. Trainers, assistant trainers, and their employees shall accept the decision of the commission representative on any and all questions, subject to their right of appeal to the commission.

6.23(2) Licensing of trainers and assistant trainers. Eligibility:

a. An applicant must be at least 18 years of age to be licensed by the commission as a trainer or assistant trainer.

b. An applicant must be qualified, as determined by the commission representative, by reason of experience, background, and knowledge of racing. A trainer's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or more of the following:

- (1) A written examination.
- (2) An interview or oral examination.
- (3) A demonstration of practical skills in a "barn test" (horse racing only).

c. An applicant must have a racing animal eligible to race and registered to race at the current race meeting.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.24(99D) Jockeys and apprentice jockeys.

6.24(1) Eligibility.

a. An applicant for a jockey license must be at least 16 years of age, and if under 18 years of age, the applicant must have the written consent of a parent or guardian.

b. A jockey shall pass a physical examination given within the previous 12 months by a licensed physician affirming fitness to participate as a jockey. The commission representatives may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.

c. An applicant shall show competence by prior licensing, demonstration of riding ability, or temporary participation in races. An applicant may participate in a race or races, with the commission representative's prior approval for each race, not to exceed five races.

d. A jockey shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding.

e. A person who has never ridden in a race at a recognized meeting shall not be granted a license as jockey or apprentice jockey.

6.24(2) Apprentice jockeys.

a. The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performance in quarter horse racing does not apply to the conditions of an apprentice jockey license.

b. An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

c. An applicant for an apprentice jockey license must be at least 16 years of age, and if under 18 years of age, the applicant must have written consent of parent or guardian. Before such license is granted, the gaming representative shall ascertain that the applicant has suitable qualifications and aptitude to hold an apprentice jockey's license and that the applicant has not been previously licensed as a jockey under any jurisdiction.

d. Rescinded IAB 1/30/08, effective 3/5/08.

6.24(3) Jockeys from foreign countries. Upon making application for a license in this jurisdiction, jockeys from a foreign country shall declare that they are holders of valid licenses in their countries, not under suspension, and bound by the rules and laws of this state. To facilitate this process, the jockey shall present a declaration sheet to the commission representative in a language recognized in this jurisdiction.
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.25(99D) Jockey agent.

6.25(1) An applicant for a license as a jockey agent shall:

a. Provide written proof of agency with at least one jockey licensed by the commission; and

b. Be qualified, as determined by the commission representative, by reason of experience, background, and knowledge. A jockey agent's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or both of the following:

(1) A written examination.

(2) An interview or oral examination.

c. An applicant not previously licensed as a jockey agent shall be required to pass a written and oral examination.

6.25(2) A jockey agent may serve as agent for no more than two jockeys and one apprentice jockey.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.26(99D) Driver. In determining eligibility for a driver's license, the board shall consider:

1. Whether the applicant has obtained the required U.S.T.A. license.

2. Evidence of driving experience and ability to drive in a race.

3. The age of the applicant. No person under 18 years of age shall be licensed by the commission as a driver. However, a person under 18 years of age, but at least 16 years of age who has the written consent of a parent or guardian, may be licensed to drive in qualifying races only.

4. Evidence of physical and mental ability.

5. Results of a written examination to determine qualifications to drive and knowledge of commission rules.

6. Record of rule violations.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.27(99D) Practicing veterinarians. Every veterinarian practicing on facility premises must have an unrestricted and current license to practice veterinary science issued by the state of Iowa veterinary regulatory authority and shall be licensed by the commission in accordance with the commission rules governing occupational licensing.

6.27(1) Every veterinarian seeking to be licensed by the commission shall submit verification of a current and unrestricted license to practice veterinary science issued by the state of Iowa veterinary regulatory authority.

6.27(2) A veterinarian seeking to be licensed by the commission shall disclose in the veterinarian's application to the commission all disciplinary action taken against any licenses to practice veterinary science held by the applicant.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.28(99D,99F) Alcohol and drug testing.

6.28(1) Alcohol prohibition/preliminary breath test. Licensees whose duties require them to be in a restricted area of a racing facility shall not have present within their systems an amount of alcohol of 0.05 percent or more. A restricted area is a designated area for sample collection, paddock, racetrack, or other area where racing officials carry out the duties of their positions.

Acting with reasonable cause, a commission representative may direct the above licensees to submit to a preliminary breath test. A licensee shall, when so directed, submit to examination.

If the results show a reading of 0.05 percent alcohol content or more, the licensee shall not be permitted to continue duties for that day. For a second violation, the licensee shall not be permitted to continue duties for that day and then shall be subject to fine or suspension by the board or commission representative. For a subsequent violation, the licensee may be subject to procedures following positive chemical analysis (see 6.28(3)).

If the results show a reading of 0.10 percent alcohol content or more, the licensee is subject to fine or suspension by the board or commission representative. For a subsequent violation, the licensee may be subject to procedures following positive chemical analysis (see 6.28(3)).

6.28(2) Drug prohibition/body fluid test. Licensees whose duties require them to be in a restricted area, as defined in subrule 6.28(1), of a racing facility shall not have present within their systems any controlled substance as listed in Schedules I to V of U.S.C. Title 21 (Food and Drug Section 812), Iowa Code chapter 124 or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice. Acting with reasonable cause, a commission representative may direct the above licensees to deliver a specimen of urine or subject themselves to the taking of a blood sample or other body fluids at a collection site approved by the commission. In these cases, the commission representative may prohibit the licensee from participating in racing until the licensee evidences a negative test result. Sufficient sample should be collected to ensure a quantity for a split sample when possible. A licensee who refuses to provide the samples herein described shall be in violation of these rules and shall be immediately suspended and subject to disciplinary action by the board or commission representative. All confirmed positive test costs and any related expenses shall be paid for by the licensee. Negative tests shall be at the expense of the commission.

With reasonable cause noted, an on-duty commission representative may direct a licensee to deliver a test. The commission representative shall call the approved laboratory or hospital and provide information regarding the person who will be coming; that the licensee will have a photo ID; the name and number to call when the licensee arrives; to whom and where to mail the results; and who should be called with the results. The licensee will be directed to immediately leave the work area and proceed to an approved laboratory or hospital for testing with the following directions:

1. If under impairment, the licensee must have another person drive the licensee to the laboratory or hospital.
2. On arrival at the laboratory or hospital, the licensee must show the license to the admitting personnel for verification.
3. On arrival at the laboratory or hospital, the licensee shall be required to sign a consent for the release of information of the results to a commission representative.

6.28(3) Procedures following positive chemical analysis.

a. After professional evaluation, if the licensee's condition proves nonaddictive and not detrimental to the best interest of racing, and the licensee can produce a negative test result and agrees to further testing at the discretion of the commission representative to ensure unimpairment, the licensee may be allowed to participate in racing.

b. After professional evaluation, should the licensee's condition prove addictive or detrimental to the best interest of racing, the licensee shall not be allowed to participate in racing until the licensee can produce a negative test result and show documented proof of successful completion of a certified alcohol/drug rehabilitation program approved by the commission. The licensee must also agree to further testing at the discretion of the commission representative to ensure unimpairment.

c. For a second violation, a licensee shall be suspended and allowed to enroll in a certified alcohol/drug rehabilitation program approved by the administrator and to apply for reinstatement only at the discretion of the administrator.
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

491—6.29(99D) Time by which owner, jockey and trainer must be licensed. The owner (includes stable names, partnerships, and corporations), the jockey and the trainer of a horse entered to race must be licensed by the first post time of the race card for the day in which the horse is entered.
[ARC 7658B, IAB 3/25/09, effective 3/23/09; ARC 2468C, IAB 3/30/16, effective 5/4/16]

These rules are intended to implement Iowa Code chapters 99D and 99F.

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CHAPTER 8
WAGERING, SIMULCASTING AND ADVANCE DEPOSIT WAGERING
[Prior to 11/19/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]

491—8.1(99D) Definitions.

“*Account*” means an account approved by the commission for advance deposit wagering with a complete record of credits, wagers and debits established by a licensee account holder and managed by a licensee or ADWO.

“*Administrator*” means the administrator of the Iowa racing and gaming commission or the administrator’s designee.

“*Advance deposit wagering*” means a method of pari-mutuel wagering in which an individual may establish an account, deposit money into the account, and use the account balance to pay for pari-mutuel wagering.

“*Advance deposit wagering center*” means an actual location, the equipment, and the staff of a licensee, ADWO, or both involved in the management, servicing and operation of advance deposit wagering for the licensee.

“*Advance deposit wagering operator*” or “*ADWO*” means an advance deposit wagering operator licensed by the commission who has entered into an agreement with the licensee of the horse racetrack in Polk County and the Iowa Horsemen’s Benevolent and Protective Association to provide advance deposit wagering.

“*Authorized receiver*” means a receiver that conducts and operates a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more host facilities.

“*Betting interest*” means a number assigned to a single runner, an entry or a field for wagering purposes.

“*Board of stewards*” means a board established by the administrator to review conduct by pari-mutuel facilities and their employees that may constitute violations of the rules and statutes relating to pari-mutuel racing. The administrator may serve as a board of one.

“*Breakage*” means the odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents. “*Breakage*” is the net pool minus payoff.

“*Commission*” means the Iowa racing and gaming commission.

“*Commission representative*” means an employee of the commission designated to represent the commission in matters pertaining to the operation of the mutuel department. In the absence of a specifically appointed representative, a commission steward will perform the functions and duties of the commission representative.

“*Contest*” means a race on which wagers are placed.

“*Credits*” means all positive inflows of money to an account.

“*Dead heat*” means that two or more runners have tied at the finish line for the same position in the order of finish.

“*Debits*” means all negative outflow of money from an account.

“*Deposit*” means a payment of money into an account.

“*Double*” means a wager to select the winners of two consecutive races and is not a parlay and has no connection with or relation to any other pool conducted by the facility and shall not be construed as a “quinella double.”

“*Entry*” means two or more runners are coupled in a contest because of common ties and a wager on one of them shall be a wager on all of them.

“*Exacta*” (may also be known as “perfecta” or “correcta”) means a wager selecting the exact order of finish for first and second in that contest and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

“*Facility*” means an entity licensed by the commission to conduct pari-mutuel wagering in Iowa.

“Field” means when the individual runners competing in a contest exceed the numbering capacity of the totalizator and all runners of the higher number shall be grouped together. A wager on one in the field shall be a wager on all. (No “fields” shall be allowed in greyhound racing.)

“Guest facility” means a facility which offers licensed pari-mutuel wagering on contests conducted by another facility (the host) in either the same state or another jurisdiction.

“Host facility” means the facility conducting a licensed pari-mutuel meeting from which authorized contests or entire performances are simulcast.

“Interstate simulcasting” means the telecast of live audio and visual signals of pari-mutuel racing sent to or received from a state outside the state of Iowa to an authorized racing or gaming facility for the purpose of wagering.

“Intrastate simulcasting” means the telecast of live audio and visual signals of pari-mutuel racing conducted on a licensed pari-mutuel track within Iowa sent to or received from an authorized pari-mutuel facility within Iowa for the purpose of pari-mutuel wagering.

“Licensee” means a horse racetrack located in Polk County operating under a license issued by the commission.

“Licensee account holder” means any individual at least 21 years of age who successfully completed an application and for whom the licensee or ADWO has opened an account. “Licensee account holder” does not include any corporation, partnership, limited liability company, trust, estate or other formal or nonformal entity.

“Minus pool” means when the total amount of money to be returned to the public exceeds what is in the pool because of the deduction of a commission and because of the rule stipulation that no mutuel tickets shall be paid at less than \$1.10 for each \$1.00 wagered.

“Mutuel department” means that area of a racetrack where wagers are made and winning tickets are cashed and where the totalizator is installed and any area used directly in the operation of pari-mutuel wagering.

“Mutuel manager” means an employee of the facility who manages the mutuel department.

“Net pool” means the amount remaining in each separate pari-mutuel pool after the takeout percentage, as provided for by Iowa Code section 99D.11, has been deducted.

“Odds” means the approximate payoffs per dollar based on win pool wagering only on each betting interest for finishing first without a dead heat with another betting interest.

“Official” means that the order of finish for the race is “official” and that payoff prices based upon the “official” order of finish shall be posted.

“Order of finish” means the finishing order of each runner from first place to last place in each race. For horse racing only, the order of finish may be changed by the stewards for a rule infraction prior to posting of the official order of finish.

“Pari-mutuel pool” means the total amount of money wagered on each separate pari-mutuel pool for payoff purposes.

“Payoff” means the amount distributed to holders of valid winning pari-mutuel tickets in each pool as determined by the official order of finish and includes the amount wagered and profit.

“Pick (n)” means a betting transaction in which a purchaser selects winner(s) of (x) number of contests designated by the facility during one racing card.

“Pick three” means a wager to select the winners of three consecutive races and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

“Place” means a runner finishing second.

“Place pick (n) pools” means a wager to select the first- or second-place finisher in each of a designated number of contests.

“Place pool” means the total amount of money wagered on all betting interests in each race to finish first or second.

“Post time” means the scheduled starting time for a contest.

“Proper identification” means a form of identification accepted in the normal course of business to establish that the person making a transaction is a licensee account holder.

“Quinella” means a wager selecting two runners to finish first and second, regardless of the order of finish, and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

“Quinella double” means a wager which consists of selecting the quinella in each of two designated contests and is an entirely separate pool from all other pools and has no connection with or relation to any other pool conducted by the facility.

“Runner” means each entrant in a contest, designated by a number as a betting interest.

“Sales transaction data” means the data between totalizator ticket-issuing machines and the totalizator central processing unit for the purpose of accepting wagers and generating, canceling and cashing pari-mutuel tickets and the financial information resulting from the processing of sales transaction data, such as handle.

“Secure personal identification code” means an alpha-numeric character code provided by a licensee account holder as a means by which the licensee or ADWO may verify a wager or account transaction as authorized by the licensee account holder.

“Show” means a runner finishing third.

“Show pool” means the total amount of money wagered on all betting interests in each contest to finish either first, second or third.

“Source market fee” or *“host fee”* means the part of a wager that is made on any race by a person who is a licensee account holder and that is returned to the licensee and the Iowa Horsemen’s Benevolent and Protective Association pursuant to the terms of a negotiated agreement as required by 491—8.6(99D).

“Steward” means a racing official appointed or approved by the commission to perform the supervisory and regulatory duties relating to pari-mutuel racing.

“Superfecta” means a wager selecting the exact order of finish for first, second, third, and fourth in that contest and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

“Totalizator” means a machine for registering wagers and computing odds and payoffs based upon data supplied by each pari-mutuel ticket-issuing machine.

“Trifecta” means a wager selecting the exact order of finish for first, second, and third in that race and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

“Tri-superfecta” means a wager selecting the exact order of finish for first, second and third in the first designated tri-super contest combined with selecting the exact order of finish for first, second, third and fourth in the second designated tri-super contest.

“Twin quinella” means a wager in which the bettor selects the first two finishers, regardless of order, in each of two designated contests. Each winning ticket for the twin quinella must be exchanged for a free ticket on the second twin quinella contest in order to remain eligible for the second-half twin quinella pool.

“Twin superfecta” means a wager in which the bettor selects the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin superfecta contest must be exchanged for a free ticket on the second twin superfecta contest in order to remain eligible for the second-half twin superfecta pool.

“Twin trifecta” means a wager in which the bettor selects the three runners that will finish first, second, and third in the exact order as officially posted in each of the two designated twin trifecta races.

“Underpayment” means when the payoff to the public resulting from errors in calculating pools and errors occurring in the communication in payoffs results in less money returned to the public than is actually due.

“Win” means a runner finishing first.

“Win pool” means the total amount wagered on all betting interests in each contest to finish first.

“Withdrawal” means a payment of money from an account by the licensee or ADWO to the licensee account holder when properly requested by the licensee account holder.

[ARC 0734C, IAB 5/15/13, effective 6/19/13]

491—8.2(99D) General.

8.2(1) Wagering. Each facility shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a pari-mutuel system approved by the commission. The totalizator shall be tested prior to and during the meeting as required by the commission. Annually, the facility shall have an external audit, approved by the administrator, of the totalizator system. All systems of wagering other than pari-mutuel, such as bookmaking and auction-pool selling, are prohibited, and any person attempting to participate in prohibited wagering shall be ejected or excluded from facility grounds.

8.2(2) Records. The facility shall maintain records of all wagering so the commission may review such records for any contest including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest and such other information as may be required. Such wagering records shall be retained by each facility and safeguarded for a period of time specified by the commission. The commission may require that certain of these records be made available to the wagering public at the completion of each contest.

The facility shall provide the commission with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

8.2(3) Pari-mutuel tickets. A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the facility and is evidence of the obligation of the facility to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The facility shall cash all valid winning tickets when such are presented for payment during the course of the meeting where sold and for a specified period after the last day of the meeting as provided in paragraph 8.2(4) "g."

a. To be deemed a valid pari-mutuel ticket, such ticket shall have been issued by a pari-mutuel ticket machine operated by the facility and recorded as a ticket entitled to a share of the pari-mutuel pool and contain imprinted information as to:

- (1) The name of the facility operating the meeting.
- (2) A unique identifying number or code.
- (3) Identification of the terminal at which the ticket was issued.
- (4) A designation of the performance for which the wagering transaction was issued.
- (5) The contest number for which the pool is conducted.
- (6) The type(s) of wagers represented.
- (7) The number(s) representing the betting interests for which the wager is recorded.
- (8) The amount(s) of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.

b. No pari-mutuel ticket recorded or reported as previously paid, canceled, or nonexistent shall be deemed a valid pari-mutuel ticket by the facility. The facility may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in paragraph 8.2(4) "e."

8.2(4) Pari-mutuel ticket sales.

a. Pari-mutuel tickets shall not be sold by anyone other than a facility licensed to conduct pari-mutuel wagering.

b. No pari-mutuel ticket may be sold on a contest for which wagering has already been closed, and no facility shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalizator is closed for wagering on such contest.

c. Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor prior to leaving the seller's window.

d. Payment on winning pari-mutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money(s) as may result from a subsequent ruling by the stewards or administrator shall in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.

e. The facility shall not satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization from the administrator.

f. The facility shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

g. Payment on valid pari-mutuel tickets shall be made only upon presentation and surrender to the facility where the wager was made within 60 days following the close of the meeting during which the wager was made. Failure to present any such ticket within 60 days shall constitute a waiver of the right to receive payment.

8.2(5) Advance performance wagering. No facility shall permit wagering to begin more than one hour before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the administrator.

8.2(6) Claims for payment from pari-mutuel pool. At a designated location, a written, verified claim for payment from a pari-mutuel pool shall be accepted by the facility in any case where the facility has withheld payment or has refused to cash a pari-mutuel wager. The claim shall be made on such form as approved by the administrator, and the claimant shall make such claim under penalty of perjury. The original of such claim shall be forwarded to the administrator within 48 hours.

a. In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required in paragraph 8.2(3) "a" of these general provisions, the facility shall make a recommendation to accompany the claim forwarded to the administrator as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.

b. In the case of a claim made for payment on a pari-mutuel wager, the administrator shall adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the facility, may deny the claim, or may make such other order as the administrator may deem proper.

8.2(7) Payment for errors. If an error occurs in the payment amounts for pari-mutuel wagers which are cashed or entitled to be cashed, and as a result of such error the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

a. Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs are equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment shall be added to the corresponding pool of the next contest. If an underpayment is discovered after the close of the meeting, the underpayment shall be held in an interest-bearing account approved by the administrator until being added, together with accrued interest, to the corresponding pool of the next meet.

b. Any claim not filed with the facility within 30 days, inclusive of the date on which the underpayment was publicly announced, shall be deemed waived, and the facility shall have no further liability therefor.

c. In the event the error results in an overpayment to winning wagers, the facility shall be responsible for such payment.

8.2(8) Betting explanation. A summary explanation of pari-mutuel wagering and each type of betting pool offered shall be published in the program for every wagering performance. The rules of racing relative to each type of pari-mutuel pool offered must be prominently displayed on facility grounds and available upon request through facility representatives.

8.2(9) Display of betting information.

a. Approximate odds for win pool betting shall be posted on display devices within view of the wagering public and updated at intervals of not more than 90 seconds.

b. The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the administrator.

c. Official results and payoffs must be displayed upon each contest being declared official.

8.2(10) Canceled contests. If a contest is canceled or declared "no contest," refunds shall be granted on valid wagers in accordance with these rules.

8.2(11) Refunds.

a. Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:

(1) Win pools, exacta pools, and first-half double pools offered in contests in which the number of betting interests has been reduced to fewer than two.

(2) Place pools, quinella pools, trifecta pools, first-half quinella double pools, first-half twin quinella pools, first-half twin trifecta pools, and first-half tri-superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than three.

(3) Show pools, superfecta pools, and first-half twin superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four.

b. Authorized refunds shall be paid upon presentation and surrender of the affected pari-mutuel ticket.

8.2(12) Coupled entries and mutuel fields.

a. Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.

b. For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

8.2(13) Pools dependent upon betting interests. Unless the administrator otherwise provides, at the time the pools are opened for wagering, the facility:

a. May offer win, place, and show wagering on all contests with six or more betting interests.

b. May prohibit show wagering on any contest with five or fewer betting interests scheduled to start.

c. May prohibit place wagering on any contest with four or fewer betting interests scheduled to start.

d. May prohibit quinella wagering on any contest with three or fewer betting interests scheduled to start.

e. May prohibit quinella double wagering on any contests with three or fewer betting interests scheduled to start.

f. May prohibit exacta wagering on any contest with three or fewer betting interests scheduled to start.

g. May prohibit trifecta wagering on any contest with five or fewer betting interests scheduled to start, or as provided in subparagraph 8.2(13) "g"(1) below:

(1) Cancel trifecta. The stewards have the authority to cancel trifecta wagering at any time they determine an irregular pattern of wagering or determine that the conduct of the race would not be in the interest of the regulation of the pari-mutuel wagering industry or in the public confidence in racing. The stewards may approve smaller fields for trifecta wagering if extraneous circumstances are shown by the facility.

(2) Reserved.

h. May prohibit superfecta wagering on any contest with seven or fewer betting interests scheduled to start.

i. May prohibit twin quinella wagering on any contests with three or fewer betting interests scheduled to start.

j. May prohibit twin trifecta wagering on any contests with seven or fewer betting interests scheduled to start, except as provided in subparagraph 8.2(13) "g"(1).

k. May prohibit tri-superfecta wagering on any contests with seven or fewer betting interests scheduled to start.

l. May prohibit twin superfecta wagering on any contests with seven or fewer betting interests scheduled to start.

8.2(14) Prior approval required for betting pools.

a. A facility that desires to offer new forms of wagering must apply in writing to the administrator and receive written approval prior to implementing the new betting pool.

b. The facility may suspend previously approved forms of wagering with the prior approval of the administrator. Any carryover shall be held until the suspended form of wagering is reinstated. A facility may request approval of a form of wagering or separate wagering pool for specific requirements.

8.2(15) *Closing of wagering in a contest.*

a. All wagering shall stop and all pari-mutuel machines shall be locked at post time or at the actual start of the races. Machines shall be automatically locked, unless unusual circumstances dictate that the stewards act differently.

b. The facility shall maintain, in good order, a system approved by the administrator for closing wagering.

8.2(16) *Complaints pertaining to pari-mutuel operations.*

a. When a patron makes a complaint to a facility regarding the mutuel department, the facility shall immediately issue a complaint report, setting out:

- (1) The name of the complainant;
- (2) The nature of the complaint;
- (3) The name of the persons, if any, against whom the complaint was made;
- (4) The date of the complaint;
- (5) The action taken or proposed to be taken, if any, by the facility.

b. The facility shall submit every complaint report to the commission within five days after the complaint was made.

8.2(17) *Facility/vendor employees.* All facility/vendor employees shall report immediately to the administrator any known irregularities or wrongdoings by any person involving pari-mutuel wagering and shall cooperate in subsequent investigations.

8.2(18) *Unrestricted access.* The facility shall permit the commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, documents and records of the facility that relate to pari-mutuel wagering.

8.2(19) *Totalizator breakdown.* In the event of irreparable breakdown of the totalizator during the wagering on a race, the wagering on that race shall be declared closed and the payoff shall be computed on the sums wagered in each pool up to the time of the breakdown.

8.2(20) *Minimum wager and payoff.* The minimum wager to be accepted by any licensed facility for win, place and show wagering shall be \$2. The minimum payoff on a \$2 wager shall be \$2.10. For all other wagers, the minimum wager to be accepted by any licensed facility shall be \$1. The minimum payoff for a \$1 wager shall be \$1.05. Any deviation from these minimums must be approved by the administrator. In cases where a minus pool occurs, the facility is responsible for the payment of the minimum payoff and no breakage shall be incurred from that pari-mutuel pool.

8.2(21) *Minors prohibited from wagering.* No minor shall be permitted by any licensed facility to purchase or cash a pari-mutuel ticket.

8.2(22) *Emergency situations.* In the event of an emergency in connection with the mutuel department not covered in these rules, the pari-mutuel manager representing the facility shall report the problem to the stewards, and the stewards shall render a full report to the administrator or administrator's designee within 48 hours.

8.2(23) *Commission mutuel supervisor.* The commission may employ a mutuel supervisor with accounting experience to serve as the commission's designated representative at each race meeting as provided in Iowa Code section 99D.19. In the absence of a specifically appointed commission mutuel supervisor, the board of stewards or simulcast steward will perform the functions and duties of the commission.

[ARC 0734C, IAB 5/15/13, effective 6/19/13; ARC 1876C, IAB 2/18/15, effective 3/25/15; ARC 3608C, IAB 1/31/18, effective 3/7/18]

491—8.3(99D) Approval of pari-mutuel wagers.

8.3(1) *Pools permitted.* All pari-mutuel wagering pools approved by the commission shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross

pool as stipulated by Iowa Code section 99D.11. The remainder of the moneys in the pool shall constitute the net pool for distribution as payoff on winning wagers.

8.3(2) *Pari-mutuel wagering submissions.* Prior to conducting a new pari-mutuel wager, a facility shall submit proposals for the wager including, but not limited to, the wager type, calculation of payoff, refunds and distribution of pools. The wager submission, or requests for modification to an approved wager, shall be in writing and approved by the administrator or an administrator's designee prior to implementation.

8.3(3) *Public notice.* The public shall have access to the wagering rules and the calculation of payoffs and distribution of pools which are approved by the commission. Signage shall be conspicuously posted in the wagering area to direct patrons to the wagering area where this information can be viewed.
[ARC 0734C, IAB 5/15/13, effective 6/19/13]

491—8.4(99D) Simulcast wagering.

8.4(1) *General.*

a. *Rules.* All simulcasting must be transmitted live, and all wagering on simulcasting shall be made in accordance with the commission rules on pari-mutuel wagering. Commission rules in effect during live racing shall remain in effect during simulcasting where applicable.

b. *Transmission.* The method used to transmit sales transaction and data including, but not limited to, the odds, will pay, race results, and payoff prices must be approved by the commission, based upon the determination that provisions to secure the system and transmission are satisfactory.

c. *Communication.* A communication system between the host track and the receiving facility must be provided which will allow the totalizator operator and the commission representatives at the host track to communicate with the facility receiving the signal. The facility is responsible during the racing program's operating hours for reporting any problems or delays to the public.

d. Approval.

(1) All simulcasting, both interstate and intrastate, must be preapproved by the commission or commission representative. Each facility conducting simulcasting shall submit an annual written simulcast proposal to the commission with the application for license renewal required by 491—Chapter 1.

(2) The commission representative, upon written request, may grant modifications to the annual simulcast proposal. The commission representative may approve or disapprove simulcast requests at the representative's discretion. Factors that may be considered include, but are not limited to, economic conditions of a facility, impact on other facilities, impact on the Iowa breeding industry, other gambling in the state, and any other considerations the commission representative deems appropriate.

(3) Once simulcast authority has been granted by the commission or commission representative, it shall be the affirmative responsibility of the facility granted simulcast authority to obtain all necessary permission from other states and tracks to simulcast the pari-mutuel races. In addition, the burden of adhering to state and federal laws concerning simulcasting rests on the facility at all times.

8.4(2) *Simulcast host.*

a. Every host facility, if requested, may contract with an authorized receiver for the purpose of providing authorized users its simulcast. All contracts governing participation in interstate or intrastate pools shall be submitted to the commission representative for prior approval. Contracts shall be of such content and in such format as required by the commission representative.

b. A host facility is responsible for the content of the simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of each performance.

c. Unless otherwise permitted by the commission representative, every simulcast will contain in its video content a digital display of actual time of day, the name of the host facility from which the simulcast originates, the number of the contest being displayed, and any other relevant information available to patrons at the host facility.

d. The host facility shall maintain such security controls, including encryption over its uplink and communications systems, as directed or approved by the commission or commission representative.

e. Financial reports shall be submitted daily or as otherwise directed by the commission representative. Reports shall be of such content and in such format as required by the commission representative.

8.4(3) Authorized receiver.

a. An authorized receiver shall provide:

(1) Adequate transmitting and receiving equipment of acceptable broadcast quality which shall not interfere with the closed circuit TV system of the host facility for providing any host facility patron information.

(2) Pari-mutuel terminals, pari-mutuel odds displays, modems and switching units enabling pari-mutuel data transmissions, and data communications between the host and guest facilities.

(3) A voice communication system between each guest facility and the host facility providing timely voice contact among the commission representative, placing judges, and mutuel departments.

b. The guest facility and all authorized receivers shall conduct pari-mutuel wagering pursuant to the applicable commission rules.

c. Not less than 30 minutes prior to the commencement of transmission of the performance of pari-mutuel contests, the guest facility shall initiate a test program of its transmitter, encryption and decoding, and data communication to ensure proper operation of the system.

d. The guest facility shall, in conjunction with the host facility(ies) for which it operates pari-mutuel wagering, provide the commission representative with a certified report of its pari-mutuel operations as directed by the commission representative.

e. Every authorized receiver shall file with the commission an annual report of its simulcast operations and an audited financial statement.

f. The mutuel manager shall notify the commission representative when the transfer of pools, pool totals, or calculations are in question, or if partial or total cancellations occur, and shall suggest alternatives for continued operation. Should loss of video signal occur, wagering may continue with approval from the commission representative.

[ARC 0734C, IAB 5/15/13, effective 6/19/13]

491—8.5(99D) Interstate common-pool wagering.

8.5(1) General.

a. All contracts governing participation in interstate common pools shall be submitted to the commission representative for prior approval. Financial reports shall be submitted daily or as otherwise directed by the commission representative. Contracts and reports shall be of such content and in such format as required by the commission representative.

b. Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs but will be held separate for auditing and all other purposes.

c. Any surcharges or withholdings in addition to the takeout shall be applied only in the jurisdiction otherwise imposing such surcharges or withholdings.

d. In determining whether to approve an interstate common pool which does not include the host facility or which includes contests from more than one facility, the commission representative shall consider and may approve use of a bet type which is not utilized at the host facility, application of a takeout rate not in effect at the host facility, or other factors which are presented to the commission representative.

e. The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules.

8.5(2) Guest state participation in interstate common pools.

a. With the prior approval of the commission representative, pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state or with corresponding pools established by one or more other jurisdictions.

b. The commission representative may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this jurisdiction is identical to that of the host facility or identical to that of other jurisdictions participating in a merged pool.

c. When takeout rates in the merged pools are not identical, the net-price calculation shall be the method by which the differing takeout rates are applied.

d. Rules established in the state of the host facility designated for a pari-mutuel pool shall apply.

e. The commission representative shall approve agreements made between the facility and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

f. If, for any reason, it becomes impossible to successfully merge the bets placed into the interstate common pool, the facility shall make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere, except that, with the permission of the commission representative, the facility may alternatively determine either to pay winning tickets at the payoff prices at the host facility or to declare such accepted bets void and make refunds in accordance with the applicable rules.

8.5(3) Host state participation in merged pools.

a. With the prior approval of the commission representative, a facility licensed to conduct pari-mutuel wagering may determine that one or more of its contests be utilized for pari-mutuel wagering at guest facilities in other states and may also determine that pari-mutuel pools in guest states be combined with corresponding wagering pools established by it as the host facility or comparable wagering pools established by two or more states.

b. When takeout rates in the merged pool are identical, the net-price calculation shall be the method by which the differing takeout rates are applied.

c. Rules of racing established for races held in this state shall also apply to interstate common pools unless the commission representative specifically determines otherwise.

d. The commission representative shall approve agreements made between the facility and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

e. Any contract for interstate common pools entered into by the facility shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the facility or if, for any reason, the commission representative or facility determines that attempting to effect transfer of pool data from the guest state may endanger the facility's wagering pool, the facility shall have no liability for any measure taken which may result in the guest's wagers not being accepted into the pool.

8.5(4) Takeout rates in interstate common pools.

a. With the prior approval of the commission representative, a facility wishing to participate in an interstate common pool may change its takeout rate so as to achieve a common takeout rate with all other participants in the interstate common pool.

b. A facility wishing to participate in an interstate common pool may request that the commission representative approve a methodology whereby host facility and guest facility states with different takeout rates for corresponding pari-mutuel pools may effectively and equitably combine wagers from the different states into an interstate common pool.

[ARC 0734C, IAB 5/15/13, effective 6/19/13]

491—8.6(99D) Advance deposit wagering.

8.6(1) Authorization to conduct advance deposit wagering.

a. A licensee may request authorization from the commission to conduct advance deposit wagering pursuant to Iowa Code section 99D.11(6) "c" and these rules. As part of the request, the licensee shall submit a detailed plan of how its advance deposit wagering system would operate. The commission may require changes in a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless ordered by the commission or until approval is obtained from the commission after it receives a written request.

b. The commission may conduct investigations or inspections or request additional information from the licensee as the commission deems appropriate in determining whether to allow the licensee to conduct advance deposit wagering.

c. The licensee shall establish and manage an advance deposit wagering center.

d. The commission may issue an ADWO license to an entity that enters into an agreement with the commission, the licensee, and the Iowa Horsemen's Benevolent and Protective Association. The terms of any ADWO's license shall include but not be limited to:

(1) Any source market fees and host fees to be paid on any races subject to advance deposit wagering.

(2) An annual ADWO license fee in an amount to be determined by the commission.

(3) Completion of all necessary background investigations.

(4) Acceptance of wagers on live races conducted at the horse racetrack in Polk County from all of its licensee account holders.

(5) A bond or irrevocable letter of credit on behalf of the ADWO to be determined by the commission.

(6) A detailed description and certification of systems and procedures used by the ADWO to validate the identity and age of licensee account holders and to validate the legality of wagers accepted.

(7) Certification of prompt commission access to all records relating to licensee account holder identity and age in hard-copy or standard electronic format acceptable to the commission.

(8) Certification of secure retention of all records related to advance deposit wagering and accounts for a period of not less than three years or such longer period as specified by the commission.

(9) Utilization and communication of pari-mutuel wagers to a pari-mutuel system meeting all requirements for pari-mutuel systems employed by licensed racing facilities in Iowa.

e. Commission access to and use of information concerning advance deposit wager transactions and licensee account holders shall be considered proprietary, and such information shall not be disclosed publicly except as may be required pursuant to statute or court order or except as part of the official record of any proceeding before the commission. This requirement shall not prevent the sharing of this information with other pari-mutuel regulatory authorities or law enforcement agencies for investigative purposes.

f. For each advance deposit wager made for an account by telephone, the licensee or ADWO shall make a voice recording of the entire transaction and shall not accept any such wager if the voice-recording system is inoperable. Voice recordings shall be retained for not less than six months and shall be made available to the commission for investigative purposes.

8.6(2) Establishing an account.

a. A person must have an established account in order to place advance deposit wagers. An account may be established in person at the licensee's facility or with the ADWO by mail or electronic means. For establishing an account, the application must be signed or otherwise authorized in a manner acceptable to the commission and shall include the applicant's full legal name, principal residence address, telephone number, and date of birth and any other information required by the commission.

b. Each application submitted will be subject to electronic verification with respect to the applicant's name, principal residence address and date of birth by either a national, independent individual reference service company or by means of a technology which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by individual reference service companies. An applicant's social security number may be necessary for completion of the verification process and for tax-reporting purposes. If there is a discrepancy between the application submitted and the information provided by the electronic verification or if no information on the applicant is available from such electronic verification, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If these measures prove unsatisfactory, then the applicant will be contacted and given instructions as to how to resolve the matter.

c. The identity of a licensee account holder must be verified via electronic means or copies of other documents before the licensee account holder may place an advance deposit wager.

d. Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the licensee or ADWO provided that the licensee or ADWO informs the licensee account holder in writing prior to the change.

e. The applicant shall provide the licensee or ADWO with an alpha-numeric code to be used as a secure personal identification code when the licensee account holder is placing an advance deposit wager. The licensee account holder has the right to change this code at any time.

f. The licensee account holder shall receive at the time the account is approved a unique account identification number; a copy of the advance deposit wagering rules and such other information and material pertinent to the operation of the account; and such other information as the licensee, ADWO or commission may deem appropriate.

g. The account is nontransferable.

h. The licensee or ADWO may close or refuse to open an account for what it deems good and sufficient reason and shall order an account closed if it is determined that information used to open an account was false or that the account has been used in violation of these rules or the licensee's or ADWO's terms and conditions.

8.6(3) Operation of an account. The ADWO shall submit operating procedures with respect to licensee account holder accounts for commission approval.

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CHAPTER 10
THOROUGHBRED AND QUARTER HORSE RACING

491—10.1(99D) Terms defined. As used in the rules, unless the context otherwise requires, the following definitions apply:

“*Age*” means the age of a horse reckoned from the first day of January of the year of foaling.

“*Allowance race*” means an overnight race for which eligibility and weight to be carried are determined according to specified conditions that include age, sex, earnings, and number of wins.

“*Also eligible*” means:

1. A number of eligible horses, properly entered, which were not drawn for inclusion in a race but which become eligible according to preference or lot when an entry is scratched prior to the scratch time deadline; or

2. The next preferred nonqualifier for the finals or consolation from a set of elimination trials that will become eligible in the event a finalist is scratched by the stewards for a rule violation or is otherwise eligible if written race conditions permit.

“*Appeal*” means a request for the commission or its designee to investigate, consider, and review any decisions or rulings of stewards.

“*Arrears*” means all moneys owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

“*Authorized agent*” means a person licensed by the commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner on whose behalf the agent will act.

“*Bleeder*” means a horse that hemorrhages from within the respiratory tract during a race, within one and one-half hours postrace, during exercise or within one and one-half hours of exercise.

“*Bleeder list*” means a tabulation of all bleeders to be maintained by the commission.

“*Chemist*” means any official racing chemist designated by the commission.

“*Claiming race*” means a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with the rules. (See also waived claiming rule in paragraph 10.6(18) “k.”)

“*Commission*” means the racing and gaming commission.

“*Conditions*” means qualifications that determine a horse’s eligibility to be entered in a race.

“*Contest*” means a competitive racing event on which pari-mutuel wagering is conducted.

“*Coupled entry*” means two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (See also “Entry.”)

“*Day*” means a 24-hour period ending at midnight.

“*Dead heat*” means when the noses of two or more horses reach the finish line of a race at the same time.

“*Declaration*” means the act of withdrawing an entered horse from a race prior to the closing of entries.

“*Detention barn*” means the barn designated for the collection from horses of test samples under the supervision of the commission veterinarian; also the barn assigned by the commission to a horse on the bleeder list, for occupancy as a prerequisite for receiving bleeder medication.

“*Entry*” means a horse made eligible to run in a race; or two or more horses, entered in the same race, which have common ties of ownership, lease, or training. (See also “Coupled entry.”)

“*Facility*” means an entity licensed by the commission to conduct pari-mutuel wagering or gaming operations in Iowa.

“*Facility premises*” means all real property utilized by the facility in the conduct of its race meeting, including the racetrack, grandstand, concession stands, offices, barns, stable area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the commission.

“*Field or mutuel field*” means a group of two or more horses upon which a single bet may be placed. A mutuel field is required when the number of horses starting in a race exceeds the capacity of the track

totalizator. The highest numbered horse within the totalizator capacity and all the higher-numbered horses following are then grouped together in the mutuel field.

"Foreign substances" means all substances except those that exist naturally in the untreated horse at normal physiological concentration.

"Forfeit" means money due from a licensee because of an error, fault, neglect of duty, breach of contract, or penalty imposed by the stewards or the commission.

"Handicap" means a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.

"Horse" means any equine (including equine designated as a mare, filly, stallion, colt, ridgeling, or gelding) registered for racing; specifically, an entire male 5 years of age and older.

"Hypodermic injection" means any injection into or under the skin or mucosa, including intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection, intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, and intraocular (intraconjunctival) injection.

"Inquiry" means an investigation by the stewards of potential interference in a contest prior to declaring the result of said contest official.

"Jockey" means a professional rider licensed to ride in races.

"Licensee" means any person or entity licensed by the commission to engage in racing or related regulated activity.

"Maiden race" means a contest restricted to nonwinners.

"Meet/meeting" means the specified period and dates each year during which a facility is authorized by the commission to conduct pari-mutuel wagering on horse racing.

"Month" means a calendar month.

"Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

"Nominator" means the person or entity in whose name a horse is nominated for a race or series of races.

"Objection" means:

1. A written complaint made to the stewards concerning a horse entered in a race and filed not later than one hour prior to the scheduled post time of the first race on the day in which the questioned horse is entered; or

2. A verbal claim of foul in a race lodged by the horse's jockey, trainer, owner, or the owner's authorized agent before the race is declared official.

"Official starter" means the official responsible for dispatching the horses for a race.

"Official time" means the elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

"Overnight race," also known as a purse race, means a contest for which entries close at a time set by the racing secretary.

"Owner" means a person or entity that holds any title, right or interest, whole or partial, in a horse, including the lessee and lessor of a horse.

"Paddock" means an enclosure in which horses scheduled to compete in a contest are saddled prior to racing.

"Performance" means a schedule of 8 to 12 races per day unless otherwise authorized by the commission.

"Post position" means the preassigned position from which a horse will leave the starting gate.

"Post time" means the scheduled time for horses to arrive at the starting gate for a contest.

"Prize" means the combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to order of finish in a race.

"Purse" means the total cash amount for which a race is contested.

"Purse race" means a race for money or other prize to which the owners of horses entered do not contribute money toward its purse.

“Race” means a running contest between horses ridden by jockeys for a purse, prize, or other reward run at a facility in the presence of the stewards of the meeting. This includes purse races, overnight races and stakes races.

“Recognized meeting” means any meeting with regularly scheduled races for horses on the flat in a jurisdiction having reciprocal relations with this state and the commission for the mutual enforcement of rulings relating to horse racing.

“Rules” means the rules promulgated by the commission to regulate the conduct of horse racing.

“Scratch” means the act of withdrawing an entered horse from a contest after the closing of entries.

“Scratch time” means the deadline set by the facility for withdrawal of entries from a scheduled performance.

“Smoke” means the procedure of reviewing entries for correctness, eligibility, weight allowances, and medications.

“Stakes race” means a contest in which nomination (if applicable), entry, and starting fees contribute to the purse. No overnight race shall be considered a stakes race. Special designations or classifications for stakes races such as “graded stakes” or “black type” shall be determined by the appropriate breed registries or recognized authorities.

“Starter” means a horse that becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

“Steward” means a duly appointed racing official with powers and duties specified by rules.

“Subscription” means moneys paid for nomination, entry, eligibility, or starting of a horse in a stakes race.

“Test level” means the concentration of a foreign substance found in the test sample.

“Test sample” means any bodily substance including, but not limited to, blood or urine taken from a horse under the supervision of the commission veterinarian and as prescribed by the commission for the purpose of analysis.

“Totalizator” means the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds, and payoff prices to patrons at a pari-mutuel wagering facility.

“Veterinarian” means a veterinarian holding a current unrestricted license issued by the state of Iowa veterinary regulatory authority and licensed by the commission.

“Winner” means the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards.

“Year” means a calendar year.

[ARC 9987B, IAB 2/8/12, effective 3/14/12; ARC 2468C, IAB 3/30/16, effective 5/4/16]

491—10.2(99D) Facilities’ responsibilities.

10.2(1) Stalls. The facility shall ensure that racing animals are stabled in individual box stalls; that the stables and immediate surrounding area are maintained in approved sanitary condition at all times; that satisfactory drainage is provided; and that manure and other refuse are kept in separate boxes or containers at locations distant from living quarters and promptly and properly removed.

10.2(2) Paddocks and equipment. The facility shall ensure that paddocks, starting gates, and other equipment subject to contact by different animals are kept in a clean condition and free of dangerous surfaces.

10.2(3) Receiving barn and stalls. Each facility shall provide a conveniently located receiving barn or stalls for the use of horses arriving during the meeting. The barn shall have adequate stable room and facilities, hot and cold water, and stall bedding. The facility shall employ attendants to operate and maintain the receiving barn or stalls in a clean and healthy condition.

10.2(4) Fire protection. The facility shall develop and implement a program for fire prevention on facility premises in accordance with applicable state fire codes. The facility shall instruct employees working on facility premises in procedures for fire prevention and evacuation. The facility shall, in accordance with state fire codes, prohibit the following:

- a. Smoking in horse stalls, feed and tack rooms, and in the alleyways.
- b. Sleeping in feed rooms or stalls.

- c. Open fires and oil- or gasoline-burning lanterns or lamps in the stable area.
- d. Leaving any electrical appliance unattended or in unsafe proximity to walls, beds, or furnishings.

- e. Keeping flammable materials, including cleaning fluids or solvents, in the stable area.

- f. Locking a stall which is occupied by a horse.

The facility shall post a notice in the stable area which lists the prohibitions outlined in 10.2(4) "a" to "f" above.

10.2(5) Starting gate.

- a. During racing hours a facility shall provide at least two operable padded starting gates that have been approved by the commission.

- b. During designated training hours a facility shall make at least one starting gate and qualified starting gate employee available for schooling.

- c. If a race is started at a place other than in a chute, the facility shall provide and maintain in good operating condition backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

10.2(6) Distance markers.

- a. A facility shall provide and maintain starting point markers and distance poles in a size and position that can be clearly seen from the steward's stand.

- b. The starting point markers and distance poles must be marked as follows:

1/4 poles	red and white horizontal stripes
1/8 poles	green and white horizontal stripes
1/16 poles	black and white horizontal stripes
220 yards	green and white
250 yards	blue
300 yards	yellow
330 yards	black and white
350 yards	red
400 yards	black
440 yards	red and white
550 yards	black and white horizontal stripes
660 yards	green and white horizontal stripes
770 yards	black and white horizontal stripes
870 yards	blue and white horizontal stripes

10.2(7) Detention enclosure. Each facility shall maintain a detention enclosure for use by the commission for securing samples of urine, saliva, blood, or other bodily substances or tissues for chemical analysis from horses who have run in a race. The enclosure shall include a wash rack, commission veterinarian office, a walking ring, at least four stalls, workroom for the sample collectors with hot and cold running water, and glass observation windows for viewing of the horses from the office and workroom. An owner, trainer, or designated representative licensed by the commission shall be with a horse in the detention barn at all times.

10.2(8) Ambulance. A facility shall maintain, on the premises during every day that its track is open for racing or exercising, an ambulance for humans and an ambulance for horses, equipped according to prevailing standards and staffed by medical doctors, paramedics, or other personnel trained to operate them. When an ambulance is used for transfer of a horse or patient to medical facilities, a replacement ambulance must be furnished by the facility to comply with this rule.

10.2(9) Helmets and vests. Any person on horseback on facility grounds shall wear a protective helmet and safety vest.

10.2(10) Racetrack.

a. The surface of a racetrack, including cushion, subsurface, and base, must be designed, constructed, and maintained to provide for the safety of the jockeys and racing animals.

b. Distances to be run shall be measured from the starting line at a distance three feet out from the inside rail.

c. A facility shall provide an adequate drainage system for the racetrack.

d. A facility shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The facility shall provide backup equipment for maintaining the track surface. A facility that conducts races on a turf track shall:

(1) Maintain an adequate stockpile of growing medium; and

(2) Provide a system capable of adequately watering the entire turf course evenly.

e. Rails.

(1) Racetracks, including turf tracks, shall have inside and outside rails, including gap rails, designed, constructed, and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the commission prior to the first race meeting at the track.

(2) The top of the rail must be at least 38 inches but not more than 44 inches above the top of the cushion. The inside rail shall have no less than a 24-inch overhang with a continuous smooth cover.

(3) All rails must be constructed of materials designed to withstand the impact of a horse running at a gallop.

10.2(11) Patrol films or video recordings. Each facility shall provide:

a. A video recording system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, shall be provided in the stewards' stand. The location and construction of video towers must be approved by the commission.

b. One camera, designated by the commission, to record the prerace loading of all horses into the starting gate and to continue to record until the field is dispatched by the starter.

c. One camera, designated by the commission, to record the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted, and the equipment has been removed from the horse.

d. At the discretion of the stewards, video camera operators to record the activities of any horses or persons handling horses prior to, during, or following a race.

e. That races run on an oval track be recorded by at least three video cameras. Races run on a straight course must be recorded by at least two video cameras.

f. Upon request of the commission, without cost, a copy of a video recording of a race.

g. That video recordings recorded prior to, during, and following each race be maintained by the facility for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

h. A viewing room in which, on approval by the stewards, an owner, trainer, jockey, or other interested individual may view a video recording of a race.

i. Following any race in which there is an inquiry or objection, the video recorded replays of the incident in question which were utilized by the stewards in making their decision. The facility shall display to the public these video recorded replays on designated monitors.

10.2(12) Communications.

a. Each facility shall provide and maintain in good working order a communication system between:

(1) The stewards' stand;

(2) The racing office;

(3) The tote room;

(4) The jockeys' room;

(5) The paddock;

(6) The test barn;

- (7) The starting gate;
- (8) The weigh-in scale;
- (9) The video camera locations;
- (10) The clocker's stand;
- (11) The racing veterinarian;
- (12) The track announcer;
- (13) The location of the ambulances (equine and human); and
- (14) Other locations and persons designated by the commission.

b. A facility shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

[ARC 2468C, IAB 3/30/16, effective 5/4/16]

491—10.3(99D) Facility policies. It shall be the affirmative responsibility and continuing duty of each occupational licensee to follow and comply with the facility policies as published in literature distributed by the facility or posted in a conspicuous location.

491—10.4(99D) Racing officials.

10.4(1) General description. Every facility conducting a race meeting shall appoint at least the following officials:

- a. One of the members of a three-member board of stewards;
- b. Racing secretary;
- c. Assistant racing secretary;
- d. Paddock judge;
- e. Horse identifier;
- f. Starter;
- g. Clocker/timer;
- h. Three placing judges;
- i. Jockey room custodian;
- j. Mutuel manager;
- k. Clerk of scales;
- l. Minimum of two outriders;
- m. Horsemen's bookkeeper;
- n. Any other person designated by the commission.

10.4(2) Officials' prohibited activities. No racing official or racing official's assistant(s) listed in 10.4(1) while serving in that capacity during any meeting may engage in any of the following:

- a. Enter into a business or employment that would be a conflict of interest, interfere with, or conflict with the proper discharge of duties including a business that does business with a facility or a business issued a concession operator's license;
- b. Participate in the sale, purchase, or ownership of any horse racing at the meeting;
- c. Be involved in any way in the purchase or sale of any contract on any jockey racing at the meeting;
- d. Sell or solicit horse insurance on any horse racing at the meeting, or any other business sales or solicitation not a part of the official's duties;
- e. Wager on the outcome of any race under the jurisdiction of the commission;
- f. Accept or receive money or anything of value for the official's assistance in connection with the official's duties;
- g. Consume or be under the influence of alcohol or any prohibited substance while performing official duties.

10.4(3) Single official appointment. No official appointed to any meeting, except placing judges, may hold more than one official position listed in 10.4(1) unless, in the determination of the stewards or commission, the holding of more than one appointment would not subject the official to a conflict of interest or duties in the two appointments.

10.4(4) Stewards. (For practice and procedure before the stewards and the commission, see 491—Chapter 4.)

a. General authority.

(1) General. The board of stewards for each racing meet shall be responsible to the commission for the conduct of the racing meet in accordance with the laws of this state and the rules adopted by the commission. The stewards shall have authority to regulate and to resolve conflicts or disputes between all other racing officials, licensees, and those persons addressed by 491—paragraph 4.6(5) “e,” which are reasonably related to the conduct of a race or races and to discipline violators of these rules in accordance with the provisions of these rules.

(2) Period of authority. The stewards’ authority as set forth in this subrule shall commence 30 days prior to the beginning of each racing meet and shall terminate 30 days after the end of each racing meet or with the completion of their business pertaining to the meeting.

(3) Attendance. All three stewards shall be present in the stand during the running of each race.

(4) Appointment of substitute. Should any steward be absent at race time, the state steward(s) shall appoint a deputy for the absent steward. If any deputy steward is appointed, the commission shall be notified immediately by the stewards.

(5) Initiate action. The stewards shall take notice of questionable conduct or rule violations, with or without complaint, and shall initiate investigations promptly and render a decision on every objection and every complaint made to them.

(6) General enforcement provisions. Stewards shall enforce the laws of Iowa and the rules of the commission. The laws of Iowa and the rules of racing apply equally during periods of racing. They supersede the conditions of a race and the regulations of a racing meet and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of the facility. The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final. A decision by the stewards regarding a disqualification of a horse due to a foul, interference, or a riding infraction may not be appealed.

b. Other powers and authority.

(1) The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by them.

(2) All questions within their authority shall be determined by a majority of the stewards.

(3) The stewards shall have control over and access to all areas of the facility premises.

(4) The stewards shall have the authority to determine all questions arising with reference to entries and racing. Persons entering horses to run at licensed facilities agree in so doing to accept the decision of the stewards on any questions relating to a race or racing. The stewards, in their sole discretion, are authorized to determine whether two or more individuals or entities are operating as a single financial interest or as separate financial interests. In making this determination, the stewards shall consider all relevant information including, but not limited to, the following:

1. Whether the parties pay bills from and deposit receipts in the same accounts.
2. Whether the parties share resources such as employees, feed, supplies, veterinary and farrier services, exercise and pony riders, tack, and equipment.
3. Whether the parties switch horses or owner/trainer for no apparent reason, other than to avoid restrictions of being treated as a single interest.

4. Whether the parties engage in separate racing operations in other jurisdictions.

5. Whether the parties have claimed horses, or transferred claimed horses after the fact, for the other’s benefit.

6. If owners, whether one owner is paying the expenses for horses not in the owner’s name as owner.

7. If trainers, whether the relationship between the parties is more consistent with that of a trainer and assistant trainer.

(5) The stewards shall have the authority to discipline, for violation of the rules, any person subject to their control and, in their discretion, to impose fines or suspensions or both for infractions.

(6) The stewards shall have the authority to order the exclusion or ejection from all premises and enclosures of the facility any person who is disqualified for corrupt practices on any race course in any country.

(7) The stewards shall have the authority to call for proof that a horse is itself not disqualified in any respect, or nominated by, or, wholly or in part, the property of, a disqualified person. In default of proof being given to their satisfaction, the stewards may declare the horse disqualified.

(8) The stewards shall have the authority at any time to order an examination of any horse entered for a race or which has run in a race.

(9) In order to maintain necessary safety and health conditions and to protect the public confidence in horse racing as a sport, the stewards have the authority to authorize a person(s) on their behalf to enter into or upon the buildings, barns, motor vehicles, trailers, or other places within the premises of a facility, to examine same, and to inspect and examine the person, personal property, and effects of any person within such place, and to seize any illegal articles or any items as evidence found.

(10) The stewards shall maintain a log of all infractions of the rules and of all rulings of the stewards upon matters coming before them during the race meet.

(11) The state stewards must give prior approval for any person other than the commissioners or commission representative to be allowed in the stewards' stand.

c. Emergency authority.

(1) Substitute officials. When in an emergency, any official is unable to discharge the official's duties, the stewards may approve the appointment of a substitute and shall report it immediately to the commission.

(2) Substitute jockeys. The stewards have the authority, in an emergency, to place a substitute jockey on any horse in the event the trainer does not do so. Before using that authority, the stewards shall in good faith attempt to inform the trainer of the emergency and to afford the trainer the opportunity to appoint a substitute jockey. If the trainer cannot be contacted, or if the trainer is contacted but fails to appoint a substitute jockey and inform the stewards of the substitution by 30 minutes prior to post time, then the stewards may appoint under this rule.

(3) Substitute trainer. The stewards have the authority in an emergency to designate a substitute trainer for any horse.

(4) Excuse horse. In case of accident or injury to a horse or any other emergency deemed by the stewards before the start of any race, the stewards may excuse the horse from starting.

(5) Exercise authority. No licensee may exercise a horse on the track between races unless upon the approval of the stewards.

(6) Nonstarter. At the discretion of the stewards, any horse(s) precluded from having a fair start may be declared a nonstarter, and any wagers involving said horse(s) may be ordered refunded.

d. Investigations and decisions.

(1) Investigations. The stewards may, upon direction of the commission, conduct inquiries and shall recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers, and documents for any inquiry. The commission stewards have the power to administer oaths and examine witnesses. The stewards shall submit a written report to the commission of every such inquiry made by them.

(2) Form reversal. The stewards shall take notice of any marked reversal of form by any horse and shall conduct an inquiry of the horse's owner, trainer, or other persons connected with the horse including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win or finish as near as possible to first.

(3) Fouls.

1. Extent of disqualification. Upon any claim of foul submitted to them, the stewards shall determine the extent of any disqualification and place any horse found to be disqualified behind others in the race with which it interfered or may place the offending horse last in the race. The stewards at their discretion may determine if there was sufficient interference or intimidation to affect the outcome of the race and take the appropriate actions thereafter.

2. Jockey guilty of foul. The stewards may discipline any jockey whose horse has been disqualified as a result of a foul committed during the running of a race.

(4) Protests and complaints. The stewards shall investigate promptly and render a decision in every protest and complaint made to them. They shall keep a record of all protests and complaints and any rulings made by the stewards and shall file reports daily with the commission.

1. Involving fraud. Protests involving fraud may be made by any person at any time. The protest must be made to the stewards.

2. Not involving fraud. Protests, except those involving fraud, may be filed only by the owner of a horse, authorized agent, trainer, or the jockey of the horse in the race over which the protest is made. The protest must be made to the clerk of scales, the stewards, or a person designated by the stewards before the race is declared official. If the placement of the starting gate is in error, no protest may be made, unless entered prior to the start of the race.

3. Protest to clerk of scales. A jockey who intends to enter a protest following the running of any race, and before the race is declared official, shall notify the clerk of scales, or a person designated by the stewards, of this intention immediately upon the arrival of the jockey at the scales.

4. Prize money of protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race shall be paid to and held by the horsemen's bookkeeper until the protest is decided.

5. Protest in writing. A protest, other than one arising out of the actual running of a race, must be in writing, signed by the complainant, and filed with the stewards not later than one hour before post time of the race out of which the protest arises.

6. Frivolous protests. No person shall make a frivolous protest nor may any person withdraw a protest without the permission of the stewards.

e. *Cancel wagering.* The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a pari-mutuel pool for a race or races if such action is necessary to protect the integrity of pari-mutuel wagering.

10.4(5) Racing secretary.

a. *General authority.* The racing secretary is responsible for setting the conditions for each race of the meeting, regulating the nomination of entries, determining the amounts of purses and to whom they are due, and recording of race results. The racing secretary shall permit no person other than licensed racing officials to enter the racing secretary's office or work areas until such time as all entries are closed, drawn, and smoked. Exceptions to this rule must be approved by the stewards.

b. *Conditions.* The racing secretary shall establish the conditions and eligibility for entering the races of the meeting and cause them to be published to owners, trainers, and the commission. Corrections to the conditions must be made before entries are taken.

c. *Posting of entries.* Upon the closing of entries each day, the racing secretary shall post a list of entries in a conspicuous location in the office of the racing secretary and shall furnish that list to local newspaper, radio, and television stations.

d. *Stakes and entrance money records.* The racing secretary shall be caretaker of the permanent records of all stakes, entrance moneys, and arrears paid or due in a race meeting and shall keep permanent records of the results of each race of the meeting.

e. *Record of racing.* The racing secretary shall, no later than the day following each race, attach or endorse on the registration certificate of each horse winning in any race the fact of that winning performance and the distance, date of the race, and the type or conditions of the race.

f. *Daily program.* The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:

- (1) The sequence of races to be run and post time for the first race;
- (2) The purse, conditions and distance for each race, and current track record for such distance;
- (3) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;
- (4) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried;

(5) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;

(6) The identification of each horse by name, color, sex, age, sire and dam;

(7) A notice that all jockeys will carry approximately three pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing-out procedures; and

(8) Such other information as may be requested by the association or the commission.

g. *Handicapping.* The racing secretary, or a handicapper assigned by the racing secretary, shall assign the weight to be carried by each horse in a handicap when weights are not stated in the condition of the race:

(1) Scale of weights for age. The scale of weights for age hereinafter listed shall be carried when conditions of races do not otherwise specify:

Distance	Age	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
HALF	Two Years	X	X	X	X	X	X	X	105	108	111	114	114
	Three Years	117	117	119	119	121	123	125	126	127	128	129	129
	Four Years	130	130	130	130	130	130	130	130	130	130	130	130
	Five Years and Up	130	130	130	130	130	130	130	130	130	130	130	130
SIX FURLONGS	Two Years	X	X	X	X	X	X	X	102	105	108	111	111
	Three Years	114	114	117	117	119	121	123	125	126	127	128	128
	Four Years	129	129	130	130	130	130	130	130	130	130	130	130
	Five Years and Up	130	130	130	130	130	130	130	130	130	130	130	130
ONE MILE	Two Years	X	X	X	X	X	X	X	96	99	102	102	102
	Three Years	107	107	111	111	113	115	117	119	121	122	123	123
	Four Years	127	127	128	128	127	126	126	126	126	126	126	126
	Five Years and Up	128	128	128	128	127	126	126	126	126	126	126	126
MILE AND A QUARTER	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
	Three Years	101	101	107	107	111	113	116	118	120	121	122	122
	Four Years	125	125	127	127	127	126	126	126	126	126	126	126
	Five Years and Up	127	127	127	127	127	126	126	126	126	126	126	126
MILE AND A HALF	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
	Three Years	98	98	104	104	108	111	114	117	119	121	122	122
	Four Years	124	124	126	126	126	126	126	126	126	126	126	126
	Five Years and Up	126	126	126	126	126	126	126	126	126	126	126	126
TWO MILES	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
	Three Years	96	96	102	102	106	109	112	114	117	119	120	120
	Four Years	124	124	126	126	126	126	126	125	125	124	124	124
	Five Years and Up	126	126	126	126	126	126	126	125	125	124	124	124

(2) Weights listed.

1. In races of intermediate lengths, the weights for the shorter distance shall be carried.

2. In a race exclusively for two-year-olds, the weight shall be 122 pounds.

3. In a race exclusively for three-year-olds or four-year-olds, the weight shall be 126 pounds.

(3) Minimum weight.

1. Thoroughbreds. In all overnight races for two-year-olds, three-year-olds, or four-year-olds and older, the minimum weight shall be 112 pounds, subject to sex and apprentice allowance. This rule shall not apply to handicaps or to races written for three-year-olds and older.

2. Quarter horse and mixed races. In all overnight races for two-year-olds, the weight shall be 120 pounds; for three-year-olds, the weight shall be 122 pounds; and for four-year-olds and older, the weight shall be 124 pounds.

3. Quarter horse and mixed races. In qualifying for a speed index, standard weight shall be 120 pounds. Should any horse carry less than this amount in a race, one-tenth of a second will be added to the official time for each four pounds or fraction thereof less than 120 pounds.

(4) Sex allowances. In thoroughbred racing, sex allowances are obligatory. Sex allowances shall be applied in all thoroughbred races unless the conditions of the race expressly state to the contrary. If the conditions of the race are silent as to sex allowances, a sex allowance shall be applied. Sex allowances may not be declined. Two-year-old fillies shall be allowed three pounds; mares three years old and older are allowed five pounds before September 1 and three pounds thereafter. Sex allowances are not applicable for quarter horse or mixed races.

h. *Penalties not cumulative.* Penalties and weight allowances are not cumulative unless so declared in the conditions of a race by the racing secretary.

i. *Winnings.*

(1) All inclusive. For the purpose of the setting of conditions by the racing secretary, winnings shall be considered to include all moneys and prizes won up to the time of the start of a race, including those races outside the United States. Foreign winnings shall be determined on the basis of the normal rate of exchange prevailing on the day of the win. The amount of purse money earned is credited in United States currency, and there shall be no appeal for any loss on the exchange rate at the time of transfer from United States currency to that of another country.

(2) Winnings considered from January 1. Winnings during the year shall be reckoned by the racing secretary from the preceding January 1.

(3) Winner of a certain sum. "Winner of a certain sum" means the winner of a single race of that sum, unless otherwise expressed in the condition book by the racing secretary. In determining the net value to the winner of any race, the sums contributed by its owner or nominator shall be deducted from the amount won. In all stakes races, the winnings shall be computed on the value of the gross earnings.

(4) Winner's award. Rescinded IAB 5/16/01, effective 6/20/01.

j. *Cancellation of a race.* The racing secretary has the authority to withdraw, cancel, or change any race which has not been closed. In the event the race is canceled, any and all fees paid in connection with the race shall be refunded.

k. *Coggins test.* The racing secretary shall ensure that all horses have a current negative Coggins test. The racing secretary shall report all expired certificates to the stewards.

l. *Registrations and supporting documents.* The racing secretary shall be responsible for receiving, inspecting, and safeguarding all registrations and supporting documents submitted by the trainer while the horses are located on facility premises. Upon notification from a trainer of an alteration of the sex of a horse, the racing secretary shall note such alteration on the certificate of registration. Disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing secretary shall be available for public inspection.

10.4(6) Paddock judge.

a. *General authority.* The paddock judge shall:

(1) Supervise the assembly of horses in the paddock no later than 15 minutes before the scheduled post time for each race;

(2) Maintain a written record of all equipment, inspect all equipment of each horse saddled, and report any change thereof to the stewards;

(3) Prohibit any change of equipment without the approval of the stewards;

(4) Ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are mounted at the same time and leave the paddock for the post in proper sequence;

(5) Supervise paddock schooling of all horses approved for such by the stewards;

(6) Report to the stewards any observed cruelty to a horse; and

(7) Ensure that only properly authorized persons are permitted in the paddock.

b. *Paddock judge's list.*

(1) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.

(2) At the end of each day, the paddock judge shall provide a copy of the list to the stewards.

(3) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

10.4(7) Horse identifier. The horse identifier shall:

a. When required, ensure the safekeeping of registration certificates and racing permits for horses stabled or racing on facility premises;

b. Inspect documents of ownership, eligibility, registration, or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

c. Examine every starter in the paddock for sex, color, markings, and lip tattoo for comparison with its registration certificate to verify the horse's identity;

d. Supervise the tattooing, microchipping or branding for identification of any horse located on facility premises; and

e. Report to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

10.4(8) Starter.

a. *General authority.* The starter shall:

(1) Have complete jurisdiction over the starting gate, the starting of horses, and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;

(2) Appoint and supervise assistant starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

(3) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions on race day before post time for each race;

(4) Assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and make said assessment known to the stewards; and

(5) Load horses into the gate in any order deemed necessary to ensure a safe and fair start.

b. *Assistant starters.* With respect to an official race, the assistant starters shall not:

(1) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(2) Impede the start of a race;

(3) Use excessive force, a whip or other device, with the exception of steward-approved tongs, to assist in loading a horse into the starting gate;

(4) Slap, boot, or otherwise dispatch a horse from the starting gate;

(5) Strike or use abusive language to a jockey; or

(6) Accept or solicit any gratuity or payment other than their regular salary, directly or indirectly, for services in starting a race.

c. *Starter's list.* No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Any horse on the starter's list shall be refused entry until the horse has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter.

10.4(9) Timer/clocker.

a. *General authority—timer.*

(1) The timer shall accurately record the official time.

(2) At the end of a race, the timer shall post the official running time on the infield totalizator board on instruction by the stewards.

(3) At a facility equipped with an appropriate infield totalizator board, the timer shall post the quarter times (splits) for thoroughbred races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths of a second.

(4) For backup purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least two stopwatches are used by the stewards or their representatives.

(5) The timer shall maintain, and make available for inspection by the stewards or the commission on request, a written record of fractional and finish times of each race.

b. *General authority—clocker:*

(1) The clocker shall be present during training hours at each track on facility premises which is open for training to identify each horse working out and to accurately record the distances and times of each horse's workout.

(2) Each day, the clocker shall prepare a list of workouts that includes the name of each horse which worked along with the distance and time of each horse's workout.

(3) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary.

10.4(10) Placing judges.

a. *General authority.* The placing judges shall determine the order of finish in a race as the horses pass the finish line and, with the approval of the stewards, may display the results on the totalizator board.

b. *Photo finish.*

(1) In the event the placing judges or the stewards request a photo of the finish, the photo finish sign shall be posted on the totalizator board.

(2) Following their review of the photo finish film strip, the placing judges shall, with the approval of the stewards, determine the exact order of finish for all horses participating in the race, and shall immediately post the numbers of the first four finishers on the totalizator board.

(3) In the event a photo was requested, the placing judges shall cause a photographic print of said finish to be produced. The finish photograph shall, when needed, be used by the placing judges as an aid in determining the correct order of finish.

(4) Upon determination of the correct order of finish of a race in which the placing judges have utilized a photographic print to determine the first four finishers, the placing judges shall cause prints of said photograph to be displayed publicly in the grandstand and clubhouse areas of the facility.

c. *Dead heats.*

(1) In the event the placing judges determine that two or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat shall, with the approval of the stewards, be declared.

(2) In the event one or more of the first four finishers of a race are involved in a dead heat, the placing judges shall post the dead heat sign on the totalizator board and cause the numbers of the horse or horses involved to blink on the totalizator board.

10.4(11) Jockey room custodian. The jockey room custodian shall:

a. Supervise the conduct of the jockeys and their attendants while they are in the jockey room;

b. Keep the jockey room clean and safe for all jockeys;

c. Ensure all jockeys are in the correct colors and wearing the correct arm number before leaving the jockey room to prepare for mounting their horses;

d. Keep a daily film list as dictated by the stewards and have it displayed in plain view for all jockeys;

e. Keep a daily program displayed in plain view for the jockeys;

f. Keep unauthorized persons out of the jockey room;

g. Report to the stewards any unusual occurrences in the jockey room;

h. Assist the clerk of scales as required;

i. Supervise the care and storage of racing colors; and

j. Assign to each jockey a locker for the use of storing the jockey's clothing, equipment, and personal effects.

10.4(12) *Mutuel manager.* The mutuel manager is responsible for the operation of the mutuel department. The mutuel manager shall ensure that any delays in the running of official races caused by totalizator malfunctions are reported to the stewards. The mutuel manager shall submit a written report on any delay when requested by the state steward.

10.4(13) *Clerk of scales.* The clerk of scales shall:

- a. Verify the presence of all jockeys in the jockey room at the appointed time;
- b. Verify that each jockey has a current jockey's license issued by the commission;
- c. Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;
- d. Oversee the security of the jockey room including the conduct of the jockeys and their attendants;
- e. Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;
- f. Maintain the record of applicable winning races on all apprentice certificates at the meeting;
- g. Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and
- h. Assume the duties of the jockey room custodian in the absence of such employee.

10.4(14) *Outrider.*

a. The facility shall appoint a minimum of two outriders on the main track for each race of a performance and during workouts. The facility shall appoint one outrider on the training track during all workouts. The outriders must be neat in appearance, wear approved helmets with the chin straps securely fastened, and wear approved safety vests while on the main track or training track.

- b. The outriders shall:
- (1) Accompany the field of horses from the paddock to the post;
 - (2) Ensure the post parade is conducted in an orderly manner, with all jockeys and pony riders conducting themselves in a manner in conformity with the best interests of racing as determined by the board of stewards;
 - (3) Assist jockeys with unruly horses;
 - (4) Render assistance when requested by a jockey;
 - (5) Be present during morning workouts to assist exercise riders as required by regulations;
 - (6) Promptly report to the stewards any unusual conduct which occurs while performing the duties of an outrider;
 - (7) Ensure individuals using the track(s) are appropriately licensed; and
 - (8) Promptly report jockey objections to the stewards after the finish of each race.

10.4(15) *Horsemen's bookkeeper.*

a. General authority. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the facility and commission may prescribe.

b. Records.

- (1) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account.
- (2) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.
- (3) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the facility.
- (4) All records of the horsemen's bookkeeper including records of accounts and moneys and funds kept on deposit are subject to inspection by the commission at any time.

c. Moneys and funds on account.

- (1) All moneys and funds on account with the horsemen's bookkeeper shall be maintained:

1. Separate and apart from moneys and funds of the facility;
2. In a trust account designated as "horsemen's trust account"; and
3. In an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(2) The horsemen's bookkeeper shall be bonded.
d. Payment of purses.

(1) The horsemen's bookkeeper shall receive, maintain, and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, all applicable taxes, and other moneys that properly come into the horsemen's bookkeeper's possession in accordance with the provisions of commission rules.

(2) The horsemen's bookkeeper may accept moneys due, belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(3) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, and jockey fees, upon request, within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing laboratory (commission chemist) as reported by the stewards. Minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratory.

(4) Absent a prior request, the horsemen's bookkeeper shall disburse moneys to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory as reported by the stewards, and provided further that no protest or appeal has been filed with the stewards or the commission.

(5) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final nonappealable order disposing of such protest or appeal.

e. No portion of purse money other than jockey fees shall be deducted by the facility for itself or for another, unless so requested in writing by the person to whom purse moneys are payable or the person's duly authorized representative. The horsemen's bookkeeper shall mail to each owner a duplicate of each record of all deposits, withdrawals, or transfers of funds affecting the owner's racing account at the close of each race meeting.

10.4(16) Patrol judges.

a. *General authority.* A facility may employ patrol judges who shall observe the running of the race and report information concerning the running of the race to the stewards.

b. *Duty stations.* Each patrol judge shall have a duty station assigned by the stewards.

10.4(17) Commission veterinarians.

a. The veterinarians shall advise the commission and the stewards on all veterinary matters.

b. The commission veterinarians shall have supervision and control of the detention barn for the collection of test samples for the testing of horses for prohibited medication as provided in Iowa Code sections 99D.23(2) and 99D.25(9). The commission may employ persons to assist the commission veterinarians in maintaining the detention barn area and collecting test samples.

c. The commission veterinarians shall not buy or sell any horse under their supervision; wager on a race under their supervision; or be licensed to participate in racing in any other capacity.

d. The stewards or commission veterinarians may request any horse entered in a race to undergo an examination on the day of the race to determine the general fitness of the horse for racing. During the examination, all bandages shall be removed by the groom upon request and the horse may be exercised outside the stall to permit the examiner to determine the condition of the horse's legs and feet. The examining veterinarian shall report any unsoundness in a horse to the stewards.

e. A commission veterinarian shall inspect all of the horses in a race at the starting gate and after the finish of a race shall observe the horses upon their leaving the track.

f. The commission veterinarian shall place any horse determined to be sick or too unsafe, unsound, or unfit to race on a veterinarian's list that shall be posted in a conspicuous place available to all owners, trainers, and officials.

g. A horse placed on the veterinarian's list in Iowa, bleeders exempt, may be allowed to enter only after it has been approved by the commission veterinarian. Any horse placed on the veterinarian's list will be removed from any future race in which the horse has been entered. Requests for the removal of any horse from the veterinarian's list will be accepted only after a minimum of three calendar days have elapsed from the placing of the horse on the veterinarian's list. Removal from the list will be at the discretion of the commission veterinarian, who may require satisfactory workouts or examinations to adequately demonstrate that the problem that caused the horse to be placed on the list has been rectified. Horses that are entered to race and then placed on the veterinarian's list for any reason will not be allowed to enter a race for a minimum of three calendar days beginning the day after the horse was scheduled to race.

Every confirmed bleeder, regardless of age, shall be placed on the bleeder list and be ineligible to race for the following time periods:

- (1) First incident – 14 days.
- (2) Second incident within 365-day period – 30 days.
- (3) Third incident within 365-day period – 180 days.
- (4) Fourth incident within 365-day period – barred for racing lifetime.

For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period. The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility specified in subparagraph (1). A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal. A horse which has been placed on a bleeder list in another jurisdiction pursuant to these rules shall be placed on a bleeder list in this jurisdiction.

h. The commission veterinarians shall supervise and ensure that the administration of furosemide and phenylbutazone is in compliance with Iowa Code section 99D.25A.

i. Rescinded IAB 9/29/04, effective 11/3/04.

j. The commission veterinarian or commission representative shall take receipt of veterinary reports as required by Iowa Code section 99D.25(10).

[ARC 0734C, IAB 5/15/13, effective 6/19/13; see Delay note at end of chapter; ARC 1876C, IAB 2/18/15, effective 3/25/15; ARC 2468C, IAB 3/30/16, effective 5/4/16; ARC 2927C, IAB 2/1/17, effective 3/8/17; ARC 3608C, IAB 1/31/18, effective 3/7/18]

491—10.5(99D) Trainer, jockey, and jockey agent responsibilities.

10.5(1) Trainer.

a. *Responsibility.* The trainer is responsible for:

- (1) The condition of horses entered in an official workout or race and, in the absence of substantial evidence to the contrary, for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses, regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is *prima facie* evidence of a violation of this rule or Iowa Code chapter 99D.
- (2) Preventing the administration of any drug, medication, or other prohibited substance that may cause a violation of these rules. An “in-today” sign must be placed by 8 a.m. on race day next to the stall of a horse that is scheduled to race on that day. For horses shipping in on race day, the sign must be placed upon the horse’s arrival.
- (3) Any violation of rules regarding a claimed horse’s participation in the race in which the trainer’s horse is claimed.
- (4) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned to the trainer by the facility and maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
- (5) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (6) Being present to witness the administration of furosemide during the administration time and sign as the witness on the affidavit form. A licensed designee of the trainer may witness the

administration of the furosemide and sign as the witness on the affidavit form; however, this designee may not be another practicing veterinarian or veterinary assistant.

(7) The proper identity, custody, care, health, condition, and safety of horses in the trainer's charge.

(8) Disclosure to the racing secretary of the true and entire ownership of each horse in the trainer's care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary. The disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership for or rights in and to a horse, shall be attached to the registration certificate for the horse and filed with the racing secretary.

(9) Training all horses owned wholly or in part by the trainer which are participating at the race meeting.

(10) Registering with the racing secretary each horse in the trainer's charge within 24 hours of the horse's arrival on facility premises.

(11) Ensuring that, at the time of arrival at the facility, each horse in the trainer's care is accompanied by a valid health certificate which shall be filed with the racing secretary.

(12) Having each horse in the trainer's care that is racing or stabled on facility premises tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary. The test must have been conducted within the previous 12 months and must be repeated upon expiration. The certificate must be attached to the foal certificate.

(13) Using the services of those veterinarians licensed by the commission to attend horses that are on facility premises.

(14) Properly recording the sex of the horses in the trainer's care with the horse identifier and the racing secretary and immediately reporting the alteration of the sex of a horse in the trainer's care to the horse identifier and the racing secretary.

(15) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that such fact is designated on its certificate of registration. See Iowa Code subsections 99D.25(1) to 99D.25(3).

(16) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in the trainer's charge.

(17) Promptly reporting the death of any horse in the trainer's care on facility premises to the stewards, owner, and the commission veterinarian and complying with Iowa Code subsection 99D.25(5) governing postmortem examination.

(18) Maintaining a knowledge of the medication record and status of all horses in the trainer's care.

(19) Immediately reporting to the stewards and the commission veterinarian if the trainer knows, or has cause to believe, that a horse in the trainer's custody, care, or control has received any prohibited drugs or medication.

(20) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(21) Eligibility of horses entered and weight or other allowance claimed.

(22) Ensuring the fitness of a horse to perform creditably at the distance entered.

(23) Ensuring that the trainer's horses are properly shod, bandaged, and equipped.

(24) Presenting the trainer's horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered.

(25) Personally attending to the trainer's horses in the paddock and supervising the saddling thereof, unless excused by the stewards.

(26) Instructing the jockey to give the jockey's best effort during a race and instructing the jockey that each horse shall be ridden to win.

(27) Witnessing the collection of a urine or blood sample from the horse in the trainer's charge or delegating a licensed employee or the owner of the horse to do so.

(28) Notifying horse owners upon the revocation or suspension of their trainer's license. A trainer whose license has been suspended for more than 30 days, whose license has expired or been revoked, or whose license application has been denied must inform the horse owners that, until the license is restored, the trainer can no longer be involved with the training, care, custody or control of their horses,

nor receive any compensation from the owners for the training, care, custody or control of their horses. Upon application by the horse owner, the stewards may approve the transfer of such horse(s) to the care of another licensed trainer, and upon such approved transfer, such horse(s) may be entered to race. Upon transfer of such horse(s), the inactive trainer shall not be involved in any arrangements related to the care, custody or control of the horse(s) and shall not benefit financially or in any other way from the training of the horse(s).

(29) Ensuring that all individuals in their employ are properly licensed by the commission.

b. *Restrictions on wagering.* A trainer with a horse(s) entered in a race shall be allowed to wager only on that horse(s) or that horse(s) in combination with other horses.

c. *Assistant trainers.*

(1) Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the stewards. The assistant trainer shall be licensed prior to acting in such capacity on behalf of the trainer.

(2) Qualifications for obtaining an assistant trainer's license shall be prescribed by the stewards and the commission and may include requirements set forth in 491—Chapter 6.

(3) An assistant trainer may substitute for and shall assume the same duties, responsibilities and restrictions as are imposed on the licensed trainer, in which case the trainer shall be jointly responsible for the assistant trainer's compliance with the rules.

d. *Substitute trainers.*

(1) A trainer absent for more than five days from responsibility as a licensed trainer, or on a day in which the trainer has a horse in a race, shall obtain another licensed trainer to substitute.

(2) A substitute trainer shall accept responsibility for the horses in writing and shall be approved by the stewards.

(3) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race.

10.5(2) Jockey.

a. *Responsibility.*

(1) A jockey shall give a best effort during a race, and each horse shall be ridden to win.

(2) A jockey shall not have a valet attendant except one provided and compensated by the facility.

(3) No person other than the licensed contract employer or a licensed jockey agent may make riding engagements for a rider, except that a jockey not represented by a jockey agent may make the jockey's own riding engagements.

(4) A jockey shall have no more than one jockey agent.

(5) No revocation of a jockey agent's authority is effective until the jockey notifies the stewards in writing of the revocation of the jockey agent's authority.

(6) A jockey shall promptly report objections to the outrider(s) following the finish of the race.

b. *Jockey betting.* A jockey shall be allowed to wager only on a race in which the jockey is riding. A jockey shall be allowed to wager only if:

(1) The owner or trainer of the horse that the jockey is riding makes the wager for the jockey;

(2) The jockey only wagers on the jockey's own mount to win or finish first in combination with other horses in multiple-type wagers; and

(3) Records of such wagers are kept and available for presentation upon request by the stewards.

c. *Jockey's spouse.* A jockey shall not compete in any race against a horse that is trained or owned by the jockey's spouse.

d. *Jockey mount fees.* Rescinded IAB 5/6/09, effective 6/10/09.

e. *Entitlement.* Any apprentice or contract rider shall be entitled to the regular jockey fees, except when riding a horse owned in part or solely by the contract holder. An interest in the winnings only (such as trainer's percent) shall not constitute ownership.

f. *Fee earned.* A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned when injury to the horse or rider is not involved and jockeys, of their own free will, take themselves off their mounts. Any conditions or considerations not covered by the above shall be at the discretion of the stewards.

g. *Multiple engagements.* If any owner or trainer engages two or more jockeys for the same race, the owner or trainer shall be required to pay each of the jockeys the appropriate fee whether the jockeys ride in the race or not.

h. *Dead heats.* Jockeys finishing a race in a dead heat shall divide equally the totals they individually would have received had one jockey won the race alone. The owners of the horses finishing in the dead heat shall pay equal shares of the jockey fees.

i. *Apprentices subject to jockey rules.* Unless excepted under these rules, apprentices are subject to all rules governing jockeys and racing.

j. *Conduct.*

(1) *Clothing and appearance.* A jockey shall wear the racing colors furnished by the owner of the horse the jockey is to ride, plus solid white riding pants, top boots, and a number on the right shoulder on the saddlecloth corresponding to the mount's number given as shown on the saddlecloth and in the daily program. The stewards, at their discretion, may allow a jockey to wear solid black riding pants during poor weather or track conditions. The Jockeys' Guild logo, the Permanently Disabled Jockeys Fund logo, or the jockey's name may be displayed on the pants. The size of the display of the jockey's name on the pants is limited to a maximum of 32 square inches on each thigh of the pants on the outer sides between the hip and the knee, and 10 square inches on the rear at the base of the spine. A jockey shall not wear advertising or promotional material of any kind on clothing during a race, unless the following criteria are met:

1. A maximum of 32 square inches on each thigh of the pants on the outer side between the hip and knee and 10 square inches on the rear of the pant at the waistline at the base of the spine.

2. A maximum of 24 square inches on boots and leggings on the outside of each nearest the top of the boot.

3. A maximum of 6 square inches on the front center of the neck area (on a turtleneck or other undergarment).

4. Such advertising or promotional material does not compete with, conflict with, or infringe upon any current sponsorship agreement to the racing association race or race meet.

5. The stewards, at their discretion, may disallow any advertising that is not in compliance with this rule, any other rules of racing, or any advertising the stewards deem to be inappropriate, indecent, in poor taste, or controversial.

(2) *Competing against contractor.* No jockey may ride in any race against a starting horse belonging to the jockey's contract employer unless the jockey's mount and the contract employer's horse are both trained by the same trainer.

(3) *Confined to jockey room.* Jockeys engaged to ride a race shall report to the jockey room on the day of the race at the time designated by the facility officials. The jockeys shall then report their engagements and any overweight to the clerk of scales. Thereafter, they shall not leave the jockey room, except by permission of the stewards, until all of their riding engagements of the day have been fulfilled. Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be readmitted to the jockeys' quarters until after the entire racing program for that day has been completed, except upon permission of the stewards. Jockeys are not allowed to communicate with anyone but the trainer while in the room during the performance except with approval of the stewards. On these occasions, they shall be accompanied by a security guard.

(4) *Whip prohibited.* Jockeys may not use a whip on a two-year-old horse before April 1 of each year, nor shall a jockey or other person engage in excessive or indiscriminate whipping of any horse at any time.

(5) *Spurs prohibited.* Jockeys shall not use spurs.

(6) *Possessing drugs or devices.* Jockeys shall not have in their care, control, or custody any drugs, prohibited substances, or electrical or mechanical device that could affect a horse's racing performance.

k. *Jockey effort.* A jockey shall exert every effort to ride the horse to the finish in the best and fastest run of which the horse is capable. No jockey shall ease up or coast to a finish, without adequate cause, even if the horse has no apparent chance to win prize money.

l. Duty to fulfill engagements. Jockeys shall fulfill their duly scheduled riding engagements, unless excused by the stewards. Jockeys shall not be forced to ride a horse they believe to be unsound or over a racing strip they believe to be unsafe. If the stewards find a jockey's refusal to fulfill a riding engagement is based on personal belief unwarranted by the facts and circumstances, the jockey may be subject to disciplinary action. Jockeys shall be responsible to their agent for any engagements previously secured by the agent.

m. Riding interference.

(1) When the way is clear in a race, a horse may be ridden to any part of the course; but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul.

(2) The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding. When a horse causes interference under this rule, every horse in the same race entered by the same owner or trainer who benefited from the interference may be disqualified at the discretion of the stewards.

(3) If the stewards determine the foul was intentional, or due to careless riding, the jockey shall be held responsible.

(4) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it started. If a horse is ridden, drifts, or swerves out of its lane in such a manner that it interferes with, impedes, or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

n. Jostling. Jockeys shall not jostle another horse or jockey. Jockeys shall not strike another horse or jockey or ride so carelessly as to cause injury or possible injury to another horse in the race.

o. Partial fault/third-party interference. If a horse or jockey interferes with or jostles another horse, the aggressor may be disqualified, unless the interfered or jostled horse or jockey was partly at fault or the infraction was wholly caused by the fault of some other horse or jockey.

p. Careless riding. A jockey shall not ride carelessly or willfully permit the mount to interfere with, intimidate, or impede any other horse in the race. A jockey shall not strike at another horse or jockey so as to impede, interfere with, or injure the other horse or jockey. If a jockey rides in a manner contrary to this rule, the horse may be disqualified; or the jockey may be fined, suspended, or otherwise disciplined; or other penalties may apply.

q. Jockey weighed out.

(1) Jockeys must be weighed for their assigned horse not more than 30 minutes before the time fixed for the race.

(2) A jockey's weight shall include the jockey's clothing, boots, saddle and its attachments. A safety vest shall be mandatory, shall weigh no more than two pounds, and shall be designed to provide shock-absorbing protection to the upper body.

(3) All other equipment shall be excluded from the weight.

r. Overweight limited. No jockey may weigh more than two pounds or, in the case of inclement weather, four pounds over the weight the horse is assigned to carry unless with consent of the owner or trainer and unless the jockey has declared the amount of overweight to the clerk of scales at least 60 minutes before the scheduled post time of the first race. However, a horse shall not carry more than seven pounds overweight, except in inclement weather when nine pounds shall be allowed. The overweight shall be publicly announced and posted in a conspicuous place both prior to the first race of the day and before the running of the race.

(1) Weigh in. Upon completion of a race, jockeys shall ride promptly to the winner's circle and dismount. Jockeys riding the first four finishers, or at the discretion of the stewards a greater number, shall present themselves to the clerk of scales to be weighed in. If a jockey is prevented from riding the mount to the winner's circle because of accident or illness either to the jockey or the horse, the jockey may walk or be carried to the scales unless excused by the stewards.

(2) Unsaddling. Jockeys, upon completion of a race, must return to the unsaddling area and unsaddle their own horse, unless excused by the stewards.

(3) Removing horse's equipment. No person except the valet attendant for each mount is permitted to assist the jockey in removing the horse's equipment that is included in the jockey's weight, unless the stewards permit otherwise. To weigh in, jockeys shall carry to the scales all pieces of equipment with which they weighed out. Thereafter they may hand the equipment to the valet attendant.

(4) Underweight. When any horse places first, second, or third in a race and thereafter the horse's jockey is weighed in short by more than two pounds of the weight of which the jockey was weighed out, the mount may be disqualified and all purse moneys forfeited.

(5) Overweight. If the jockey is overweight, the jockey is subject to fine, suspension, or both.

s. *Contracts*. Rescinded IAB 5/16/01, effective 6/20/01.

t. *Jockey fines and forfeitures*. Jockeys shall pay any fine or forfeiture from their own funds within 48 hours of the imposition of the fine or at a time deemed proper by the stewards. No other person shall pay jockey fines or forfeitures for the jockey.

u. *Competing claims*. Whenever two or more licensees claim the services of one jockey for a race, first call shall have priority and any dispute shall be resolved by the stewards.

v. *Jockey suspension*.

(1) Offenses involving fraud. Suspension of a licensee for an offense involving fraud or deception in racing shall begin immediately after the ruling unless otherwise ordered by the stewards or commission.

(2) Offenses not involving fraud. Suspension for an offense not involving fraud or deception in racing shall begin on the third day after the ruling or at the stewards' discretion.

(3) Withdrawal of appeal. Withdrawal by the appellant of a notice of appeal filed with the commission, whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the commission, shall be deemed a frivolous appeal and referred to the commission for further disciplinary action in the event the appellant fails to show good cause to the stewards why the withdrawal should not be deemed frivolous.

(4) Riding suspensions of ten days or less and participating in designated races. The stewards appointed for a race meeting shall immediately, prior to the commencement of that meeting, designate the stakes, futurities, futurity trials, or other races in which a jockey will be permitted to compete, notwithstanding the fact that such jockey is under suspension for ten days or less for a careless riding infraction at the time the designated race is to be run.

1. Official rulings for riding suspensions of ten days or less shall state: "The term of this suspension shall not prohibit participation in designated races."

2. A listing of the designated races shall be posted in the jockey room and any other such location deemed appropriate by the stewards.

3. A suspended jockey must be named at time of entry to participate in any designated race.

4. A day in which a jockey participated in one designated race while on suspension shall count as a suspension day. If a jockey rides in more than one designated race on a race card while on suspension, the day shall not count as a suspension day. Each designated trial race for a stake shall be considered one race.

10.5(3) Apprentice jockey. Upon completion of licensing requirements, the stewards may issue an apprentice jockey certificate allowing the holder to claim this allowance only in overnight races.

a. An apprentice jockey shall ride with a five-pound weight allowance beginning with the first mount and for one full year from the date of the jockey's fifth winning mount.

b. If, after riding one full year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowance shall continue for one more year or until the fortieth winner, whichever comes first. In no event shall a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

c. The steward may extend the weight allowance of an apprentice jockey when, in the discretion of the steward, the apprentice provides proof of incapacitation for a period of seven or more consecutive days. The allowance may be claimed for a period not to exceed the period such apprentice was unable to ride.

d. The apprentice jockey must have the apprentice certificate with the jockey at all times and must keep an updated record of the first 40 winners. Prior to riding, the jockey must submit the certificate to the clerk of scales, who will record the apprentice's winning mounts.

10.5(4) Jockey agent.

a. Responsibilities.

(1) A jockey agent shall not make or assist in making engagements for a jockey other than the jockeys the agent is licensed to represent.

(2) A jockey agent shall file written proof of all agencies and changes of agencies with the stewards.

(3) A jockey agent shall notify the stewards, in writing, prior to withdrawing from representation of a jockey and shall submit to the stewards a list of any unfulfilled engagements made for the jockey.

(4) All persons permitted to make riding engagements shall maintain current and accurate records of all engagements made. Such records shall be subject to examination by the stewards at any time.

(5) No jockey agent shall represent more than two jockeys and one apprentice jockey at the same time except:

1. A jockey agent may represent three jockeys at a "mixed" meeting so long as no more than two of the jockeys ride the same breed.

2. A jockey agent may represent three jockeys at a race meeting exclusive of thoroughbred racing.

(6) A jockey agent must honor a first call given to a trainer or the trainer's assistant trainer.

b. Prohibited areas. A jockey agent is prohibited from entering the jockey room, winner's circle, racing strip, paddock, or saddling enclosure during the hours of racing.

c. A jockey agent shall not be permitted to withdraw from the representation of any jockey unless written notice to the stewards has been provided.

[ARC 7757B, IAB 5/6/09, effective 6/10/09; ARC 0734C, IAB 5/15/13, effective 6/19/13; ARC 1456C, IAB 5/14/14, effective 6/18/14; ARC 1876C, IAB 2/18/15, effective 3/25/15; ARC 2468C, IAB 3/30/16, effective 5/4/16; ARC 2927C, IAB 2/1/17, effective 3/8/17; ARC 3608C, IAB 1/31/18, effective 3/7/18]

491—10.6(99D) Conduct of races.

10.6(1) Horses ineligible. Any horse ineligible to be entered for a race, or ineligible to start in any race, which competes in that race may be disqualified and the stewards may discipline the persons responsible for the horse competing in that race.

a. A horse is ineligible to enter a race when:

(1) The nominator has failed to identify the horse which is being entered for the first time, by name, color, sex, age, and the names of sire and dam as registered.

(2) A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered lip tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any facility or regulatory agency.

(3) A horse has been allowed to enter or start by a person having lawful custody or control of the horse who participated in or assisted in the entry or racing of some other horse under the name of the horse in question.

(4) A horse is wholly or partially owned by a disqualified person or a horse is under the direct or indirect management of a disqualified person.

(5) A horse is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person. In such cases, a presumption which may be rebutted is that the disqualified person and spouse constitute a single financial entity with respect to the horse.

(6) A horse is owned in whole or in part by an undisclosed person or interest.

(7) A horse has been nerved by surgical neurectomy.

(8) A horse has been trachea-tubed to artificially assist breathing.

(9) A horse has impaired eyesight in both eyes.

(10) A horse appears on the Iowa veterinarian's list, notwithstanding a horse appearing on the veterinarian's list as a "bleeder." In addition, a horse appearing on any starter's, stewards', or paddock judge's list, or the veterinarian's list in another jurisdiction, is ineligible unless the horse is removed from the list by the day of the race and approved by the board of stewards to enter.

- (11) A horse is barred from racing in any racing jurisdiction.
- b. A horse is ineligible to start a race when:
- (1) The horse is not stabled on the premises of the facility by the time designated by the stewards.
 - (2) The horse's breed registration certificate is not on file with the racing secretary, or horse identifier, except where the racing secretary has submitted the certificate to the breed registry for correction or transfer of ownership. The stewards may, in their discretion, waive the requirement provided the registration certificate is in the possession of another board of stewards, a copy of the registration certificate is on file with the racing secretary, and the horse is otherwise properly identified. For claiming races, if the claimed horse has been approved by the stewards to run without the registration certificate on file in the racing office, then the registration certificate must be provided to the racing office within seven business days for transfer to the new owner before claiming funds will be approved for transfer by the stewards.
 - (3) The horse is not fully identified by an official tattoo on the inside of the upper lip.
 - (4) A horse is brought to the paddock and is not in the care of and saddled by a currently licensed trainer or assistant trainer unless excused by the stewards.
 - (5) No current negative Coggins test or current negative equine infectious anemia test certificate is attached to the horse's registration certificate.
 - (6) The stakes or entrance money for the horse has not been paid.
 - (7) The horse appears on the starter's list, stewards' list, paddock list, or veterinarian's list.
 - (8) The horse is a first-time starter not approved by the starter and does not have a minimum of two published workouts.
 - (9) Within the past calendar year, the horse has started in a race that has not been reported in a nationally published monthly chartbook, unless, at least 48 hours prior to entry, the owner of the horse provides to the racing secretary performance records which show the place and date of the race, distance, weight carried, amount carried, and the horse's finishing position and time.
- (10) In a stakes race, a horse has been transferred with its engagements, unless prior to the start, the fact of transfer of the horse and its engagements has been filed with the racing secretary.
- (11) A horse is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper.
- (12) A horse is subject to a lease not filed with the stewards.
 - (13) A horse is not in sound racing condition.
 - (14) A horse has been blocked with alcohol or injected with any other foreign substance or drug to desensitize the nerves of the leg.
 - (15) A horse appears on the veterinarian's list as a "bleeder."
- c. A horse is ineligible to start in a race when:
- (1) A thoroughbred has shoes (racing plates) which have toe grabs with a height greater than two millimeters (0.07874 inches), bends, jars, caulks, stickers or any other traction device on the front hooves while racing or training on all racing surfaces.
 - (2) A quarter horse has front shoes which have toe grabs with a height greater than four millimeters (0.15748 inches), bends, jars, caulks, stickers or any other traction device worn on the front shoes.
- 10.6(2) Entries.**
- a. The facility shall provide forms for making entries and declarations with the racing secretary. Entries and declarations shall be in writing, or by telephone or fax subsequently confirmed in writing by the owner, trainer, or licensed designee. When any entrant or nominator claims failure or error in the receipt by a facility of any entry or declaration, the entrant or nominator may be required to submit evidence within a reasonable time of the filing of the entry or the declaration. Individuals who hold a jockey agent license, regardless of other licenses held, shall not be permitted to make entries after a time set by the stewards.
- b. Upon the closing of entries the racing secretary shall promptly compile a list of entries and cause it to be conspicuously posted.
- c. Coupling. There will be no coupled entries in any race. In races, excluding stakes races, that overfill, trainers must declare preference of runners with identical ownership at time of entry.

Same-owner, second-choice horses will be least preferred. A trainer or owner may not enter more than three horses in a race unless the race is split or divided.

d. Split or divided races.

(1) In the event a race is canceled or declared off, the facility may split any overnight race for which post positions have not been drawn.

(2) Where an overnight race is split, forming two or more separate races, the racing secretary shall give notice of not less than 15 minutes before such races are closed to grant time for making additional entries to such split race.

(3) A trainer shall be allowed to enter more than the maximum number of entries allowed under paragraph 10.6(2) "c" if the entries are declared at time of entry as "split entry only" and preference is given by the trainer for the trainer's first three entries.

(4) The racing secretary shall split an overnight race so that common ownership, identical ownership, or common trainer will divide as equally as possible between two or more races.

e. Entry weight. Owners, trainers, or any other duly authorized person who enters a horse for a race shall ensure that the entry is correct and accurate as to the weight allowances available and claimed for the horse under the conditions set for the race. After a horse is entered and has been assigned a weight to carry in the race, the assignment of weight shall not be changed except in the case of error and with the approval of the stewards. Weight allowances may be waived with the approval of the stewards.

f. Consecutive days. No horse shall be run on two consecutive calendar days.

g. Foreign entries. For the purposes of determining eligibility, weight assignments, or allowances for horses imported from a foreign nation, the racing secretary shall take into account the "Pattern Race Book" published jointly by the Irish Turf Club, The Jockey Club of Great Britain, and the Société d'Encouragement.

h. Weight conversions. For the purpose of determining eligibility, weight assignments, or allowances for horses imported from a foreign nation, the racing secretary shall convert metric distances to English measures by reference to the following scale:

1 sixteenth	= 100 meters
1 furlong	= 200 meters
1 mile	= 1600 meters

i. Name. The "name" of a horse means the name reflected on the certificate of registration, racing permit, or temporary racing permit issued by the breed registry. Imported horses shall have a suffix, enclosed by brackets, added to their registered names showing the country of foaling. This suffix is derived from the international code of suffixes and constitutes part of the horse's registered name. The registered names and suffixes, where applicable, shall be printed in the official program.

j. Bona fide entry. No person shall enter or attempt to enter a horse for a race unless that entry is a bona fide entry, made with the intention that the horse is to compete in the race for which the horse was entered.

k. Registration certificate to reflect correct ownership. Every breed registry foal certificate filed with the racing secretary to establish the eligibility of a horse to be entered for any race shall accurately reflect the correct and true ownership of the horse. The name of the owner that is printed on the official program for the horse shall conform to the ownership as declared on the certificate of registration or eligibility certificate unless a stable name has been registered with the commission for the owner or ownership.

l. Naming/engaging of riders. Riders must be named at the time of entry. If, at the conclusion of the draw of a race, a trainer does not have a rider, all riders who are available shall be made known to the trainer at that time via telephone or in person by the stewards or their designee. A trainer who does not name a rider prior to the conclusion of the draw of a race, and reasonable attempts have been employed to contact the trainer with no response, shall have an available rider engaged at the facility placed on the

horse, determination of which shall be drawn by lot. Riders properly engaged as a first or second call in a race must fulfill their engagements as required in paragraph 10.5(2) "l."

m. More than one race. No horse may be entered in more than one race, with the exception of stakes races, to be run on the same day on which pari-mutuel wagering is conducted.

n. Iowa-foaled horse. An Iowa-foaled horse may be entered in an Iowa-bred race without having its official jockey club registration papers stamped, but shall not compete in a race limited to Iowa-foaled horses unless the horse is registered with and the papers are stamped by the department of agriculture and land stewardship. An Iowa-foaled horse would be allowed to run in an open race without the stamp, but would be ineligible for Iowa-bred supplement, Iowa-bred breeders awards and Iowa-bred breeders supplement.

10.6(3) Sweepstakes entries.

a. Entry and withdrawal. The entry of a horse in a sweepstakes is a subscription to the sweepstakes. Before the time of closing, any entry or subscription may be altered or withdrawn.

b. Entrance money. Entrance money shall be paid by the nominator to a race. In the event of the death of the horse or a mistake made in the entry of an otherwise eligible horse, the nominator subscriber shall continue to be obligated for any stakes, and the entrance money shall not be returned.

c. Quarter horse scratches and qualifiers unable to participate in finals. If a horse should be scratched from the time trial finals, the horse's owner will not be eligible for a refund of the fees paid. If a horse that qualified for the final should be unable to enter due to racing soundness, or scratched for any reason other than a positive drug test report or a rule violation, the horse shall be deemed to have earned and the owner will receive last place money. If more than one horse should be unable to enter due to racing soundness, or scratched for any reason other than a positive drug test report or a rule violation, then those purse moneys shall be added together and divided equally among the horse owners.

10.6(4) Closing of entries.

a. Overnight entries. Entries for overnight racing shall be closed at 10 a.m. by the racing secretary, unless a later closing is established by the racing secretary or unless approved by the stewards.

b. Sweepstakes entries. If an hour for closing is designated, entries and declarations for sweepstakes cannot be received thereafter. However, if a time for closing is not designated, entries and declarations may be mailed or faxed until midnight of the day of closing, if they are received in time to comply with all other conditions of the race. In the absence of notice to the contrary, entries and declarations for sweepstakes that close during or on the day preceding a race meeting shall close at the office of the racing secretary in accordance with any requirements the secretary shall make. Closing for sweepstakes not during race meetings shall be at the office of the facility.

c. Exception. Nominations for stakes races shall not close nor shall any eligibility payment be due on a day in which the United States Postal Service is not operating.

10.6(5) Prohibited entries.

a. Entry by disqualified person. An entry made by a disqualified person or the entry of a disqualified horse shall be void. Any money paid for the entry shall be returned, if the disqualification is disclosed at least 45 minutes before post time for the race. Otherwise, the entry money shall be paid to the winner.

b. Limited partner entry prohibited. No person other than a managing partner of a limited partnership or a person authorized by the managing partner may enter a horse owned by that partnership.

c. Altering entries prohibited. No alteration shall be made in any entry after the closing of entries, but the stewards may permit the correction of an error in an entry.

d. Limitation on overnight entries. If the number of entries to any purse or overnight race is in excess of the number of horses that may be accommodated due to the size of the track, the starters for the race and their post positions shall be determined by lot conducted in public by the racing secretary.

e. Stake race entry limit. In a stake race, the number of horses which may compete shall be limited only by the number of horses nominated and entered. In any case, the facility's lawful race conditions shall govern.

f. Stewards' denial of entry. The stewards may, after notice to the entrant, subscriber, or nominator, deny entry of any horse to a race if the stewards determine the entry to be in violation of

these rules or the laws of this state or to be contrary to the interests of the commission in the regulation of pari-mutuel wagering or to public confidence in racing.

10.6(6) Preferences and eligibles.

a. *Also eligible.* A list of not more than eight names may be drawn from entries filed in excess of positions available in the race. These names shall be listed as "also eligible" to be used as entries if originally entered horses are withdrawn. Any owner, trainer, or authorized agent who has entered a horse listed as an "also eligible" and who does not wish to start shall file a scratch card with the secretary not later than the scratch time designated for that race. "Also eligibles" shall have preference to scratch.

b. *Preference system.* A system using dates or stars shall be used to determine preference for horses being entered in races. The system being used will be at the option of the racing secretary and approved by the stewards. A preference list will be kept current by the racing secretary and made available to horsemen upon request.

c. *Disputed decision.* When the decision of a race is in dispute, all horses involved in the dispute, with respect to the winner's credit or earnings, shall be liable to all weights or conditions attached to the winning of that race until a winner has been finally adjudged.

10.6(7) Post positions. Post positions shall be determined by the racing secretary publicly and by lot. Post positions shall be drawn from "also eligible" entries at scratch time. In all races, horses drawn into the race from the "also eligible" list shall take the outside post positions, except in straightaway quarter horse racing. In straightaway quarter horse racing, the post position of the scratched horse shall be assigned to the horse "drawing in." In the event there is more than one scratch, the post positions shall be assigned by lot.

10.6(8) Scratch; declaring out.

a. *Notification to the secretary.* No horse shall be considered scratched, declared out, or withdrawn from a race until the owner, agent, or other authorized person has given notice in writing to the racing secretary before the time set by the facility as scratch time. All scratches must be approved by the stewards.

b. *Declaration irrevocable.* Scratching or the declaration of a horse out of an engagement for a race is irrevocable.

c. *Limitation on scratches.* No horse shall be permitted to be scratched from a race if the horses remaining in the race number fewer than seven betting interests, unless the stewards permit a lesser number. When the number of requests to scratch would, if granted, leave a field of fewer than seven, the stewards shall determine by lot which entrants may be scratched and permitted to withdraw from the race. Veterinarian scratches will be preferred and accepted without regard to the number of entries.

d. *Scratch time.* Unless otherwise set by the stewards, scratch time shall be:

- (1) Stakes races. Scratch time shall be at least 45 minutes before post time.
- (2) Other races. Scratch time shall be set by the stewards prior to the start of the meet.

10.6(9) Workouts.

a. *When required.* No horse shall be allowed to start unless the horse has raced in an official race or has an approved official timed workout satisfactory to the stewards. A horse that has not started for a period of 60 days or more shall be ineligible to race until it has completed a published workout satisfactory to the stewards prior to the day of the race in which the horse is entered. The workout must have occurred within the previous 30 days for a thoroughbred or within the previous 60 days for a quarter horse. Horses that have not started for a period of six months or more must have two published workouts, one of which must have occurred within the previous 30 days for thoroughbreds or within the previous 60 days for quarter horses. First-time starters must have at least two published workouts with one having occurred within the previous 30 days for thoroughbreds or within the previous 60 days for quarter horses, be approved from the gate by the starter, and have a published workout from the starting gate.

b. *Identification.* The timer or the stewards may require licensees to identify a horse in their care being worked. The owner, trainer, or jockey may be required to identify the distance the horse is to be worked and the point on the track where the workout will start.

c. *Information dissemination.* If the stewards approve the timed workout so as to permit the horse to run in a race, they shall make it mandatory that this information be furnished to the public in advance of the race including, but not limited to, the following means:

- (1) Announcement over the facility's public address system;
- (2) Transmission on the facility's message board;
- (3) Posting in designated conspicuous places in the racing enclosure; and
- (4) Exhibit on track TV monitors at certain intervals if the track has closed circuit TV. If the workout is published prior to the race in either the Daily Racing Form or the track program, then it shall not be necessary to make the announcements set forth above.

d. *Restrictions.* No horse shall be taken onto the track for training or a workout except during hours designated by the facility.

10.6(10) Equipment.

a. *Whip and bridle limitations.* Unless permitted by the stewards, no whip or substitute for a whip shall exceed one pound or 30 inches and no bridle shall exceed two pounds.

b. *Equipment change.* No licensee may change the equipment used on a horse from that used in the horse's last race, unless with permission of the stewards. No licensee may add blinkers or cheek pieces to a horse's equipment or discontinue their use without the prior approval of the starter. First-time starters must race with or without blinkers or cheek pieces in accordance with the gate approval card issued by the starter. In the paddock prior to a race, a horse's tongue may be tied down with clean bandages, clean gauze, or with a tongue strap.

10.6(11) Racing numbers.

a. *Number display.* Each horse in a race shall carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program.

b. *Field horses.* In a combined field of horses, each horse in the field shall carry a separate number.

10.6(12) Valuation of purse money. Rescinded IAB 5/16/01, effective 6/20/01.

10.6(13) Dead heats.

a. When two horses run a dead heat for first place, all purses or prizes to which first and second horses would have been entitled shall be divided equally between them; and this applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.

b. In the event of a dead-heat finish for second place and thereafter, when an objection to the winner of the race is sustained, the horses in the dead heat shall be considered to have run a dead heat for first place.

c. If a prize includes a cup, plate, or other indivisible prize, owners shall draw lots for the prize in the presence of at least two stewards.

10.6(14) The facility shall not make distribution of any purses until given clearance of chemical tests by the state steward.

10.6(15) Purse money presumption. The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning the purse money.

10.6(16) Equine infectious anemia (EIA) test.

a. *Certificate required.* No horse shall be allowed to start or be stabled on the premises of the facility unless a valid negative Coggins test or other laboratory-approved negative EIA test certificate is on file with the racing secretary.

b. *Trainer responsibility.* In the event of claims, sales, or transfers, it shall be the responsibility of the new trainer to ascertain the validity of the certificate for the horse within 24 hours. If the certificate is either unavailable or invalid, the previous trainer shall be responsible for any reasonable cost associated with obtaining a negative EIA laboratory certificate.

c. *Positive test reports.* Whenever any owner or trainer is furnished a positive Coggins test or positive EIA test result, the horse shall be removed by the owner or trainer from facility premises or approved farms within 24 hours of actual notice to the owner or trainer of the infection.

10.6(17) Race procedures.

a. *Full weight.* Each horse shall carry the full weight assigned for that race from the paddock to the starting point, and shall parade past the stewards' stand, unless excused by the stewards.

b. *Touching and dismounting prohibited.* After the horses enter the track, jockeys may not dismount or entrust their horse to the care of an attendant unless due to an accident occurring to the jockey, the horse, or the equipment, and then only with the prior consent of the starter. During any delay during which a jockey is permitted to dismount, all other jockeys may dismount and their horses may be attended by others. After the horses enter the track, only the hands of the jockey, the starter, the assistant starter, the commission veterinarian, an outrider on a lead pony, or persons approved by the stewards may touch the horse before the start of the race. If a horse throws its jockey on the way from the paddock to the post, the horse must be returned to the point where the jockey was thrown, where the horse shall be remounted and then proceed over the route of the parade to the post. The horse must carry its assigned weight from paddock to post and from post to finish.

c. *Jockey injury.* If a jockey is seriously injured on the way to the post, the horse shall be returned to the paddock, a replacement jockey obtained, and both the injured jockey and the replacement jockey will be paid by the owner.

d. *Twelve-minute parade limit.* After entering the track, all horses shall proceed to the starting post in not more than 12 minutes unless approved by the stewards. After passing the stewards' stand in parade, the horses may break formation and proceed to the post in any manner. Once at the post, the horses shall be started without unnecessary delay. All horses must participate in the parade carrying their weight and equipment from the paddock to the starting post, and any horse failing to do so may be disqualified by the stewards. No lead pony leading a horse in the parade shall obstruct the public's view of the horse being led except with permission of the stewards.

e. *Striking a horse prohibited.* In assisting the start of a race, no person other than the jockey, starter, assistant starter, or veterinarian shall strike a horse or use any other means to assist the start.

f. *Loading of horses.* Horses will be loaded into the starting gate in numerical order or in any other fair and consistent manner determined by the starter and approved by the stewards.

g. *Delays prohibited.* No person shall obstruct or delay the movement of a horse to the starting post.

10.6(18) Claiming races.

a. *Eligibility.*

(1) Registered to race or open claim. No person may file a claim for any horse unless the person:

1. Is a licensed owner at the meeting who either has foal paper(s) registered with the racing secretary's office or has started a horse at the meeting; or
2. Is a licensed authorized agent, authorized to claim for an owner eligible to claim; or
3. Has a valid open claim certificate. Any person not licensed as an owner, or a licensed authorized agent for the account of the same, or a licensed owner not having foal paper(s) registered with the racing secretary's office or who has not started a horse at the current meeting may request an open claim certificate from the commission. The person must submit a completed application for a prospective owner's license to the commission. The applicant must have the name of the trainer licensed by the commission who will be responsible for the claimed horse. A nonrefundable fee must accompany the application along with any financial information requested by the commission. The names of the prospective owners shall be prominently displayed in the offices of the commission and the racing secretary. The application will be processed by the commission; and when the open claim certificate is exercised, an owner's license will be issued.

(2) *Number of claims.*

1. An ownership entity (sole owner, partnership or limited liability partnership, racing stable, corporation or limited liability corporation, or owner/trainer acting as an owner) shall not claim more than one horse in a race, and an authorized agent or trainer acting on behalf of an ownership entity shall not submit more than two claims in a race with two separate ownership interests.

2. If an authorized agent or trainer acting on behalf of an ownership entity submits two claims in a race, the claims shall not be for the same horse.

3. A trainer shall not receive more than two horses from any claiming race.

b. *Procedure for claiming.* To make a claim for a horse, an eligible person shall:

(1) Deposit to the person's account with the horsemen's bookkeeper the full claiming price and applicable taxes as established by the racing secretary's conditions.

(2) File in a locked claim box maintained for that purpose by the stewards the claim filled out completely in writing and with sufficient accuracy to identify the claim on forms provided by the facility at least ten minutes before the time of the race.

c. *Claim box.*

(1) The claim box shall be approved by the commission and kept locked until ten minutes prior to the start of the race, when it shall be presented to the stewards or their representatives for opening and publication of the claims.

(2) The claim box shall also include a time clock which automatically stamps the time on the claim envelope prior to its being dropped in the box.

(3) No official of a facility shall give any information as to the filing of claims therein until after the race has been run.

d. *Claim irrevocable.* After a claim has been filed in the claim box, it shall not be withdrawn.

e. *Multiple claims on single horses.* If more than one claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their representatives.

f. *Successful claims; later races.*

(1) Sale or transfer. No successful claimant may sell or transfer a horse, except in a claiming race, for a period of 30 days from the date of claim.

(2) Eligibility price. A horse that is declared the official winner in the race in which it is claimed may not start in a race in which the claiming price is less than the amount for which it was claimed. After the first start back or 30 days, whichever occurs first, a horse may start for any claiming price. A horse which is not the official winner in the race in which it is claimed may start for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. No right, title, or interest for any claimed horse shall be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. The day claimed shall not count, but the following calendar day shall be the first day.

(3) Racing elsewhere. A horse that was claimed under these rules may not participate at a race meeting other than that at which it was claimed until the end of the meeting, except with written permission of the stewards. This limitation shall not apply to stakes races.

(4) Same management. A claimed horse shall not remain in the same stable or under the control or management of its former owner.

(5) When a horse is claimed out of a claiming race, the horse's engagements are included.

g. *Transfer after claim.*

(1) Forms. Upon a successful claim, the stewards shall issue in triplicate, upon forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the commission, the stewards, and the racing secretary.

(2) No claimed horse shall be delivered by the original owner to the successful claimant until the claim is approved by the stewards. Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant from the time the horse becomes a starter; and said successful claimant becomes the owner of the horse unless the claim is voided by the stewards under the provisions of this paragraph. Only a horse which is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards shall have no effect upon the claim.

(3) The stewards shall void the claim and return the horse to the original owner if:

1. The claimed horse suffers a fatality during the running of the race, dies, or is euthanized before leaving the track.

2. The commission veterinarian, during the veterinarian's observation of the horse coming off the track or upon its arrival to the test barn, determines the horse will be placed on the veterinarian's list as lame. The stewards shall not void the claim if, prior to the race in which the horse is claimed, the claimant elects to claim the horse regardless of whether the commission veterinarian determines the horse will be

placed on the veterinarian's list as lame. An election made under this rule shall be entered on the claim form.

3. The race is called off, canceled, or declared no contest.

(4) Other-jurisdiction rules. The commission will recognize and be governed by the rules of any other jurisdiction regulating title and claiming races when ownership of a horse is transferred or affected by a claiming race conducted in that other jurisdiction.

(5) Determination of sex and age. The claimant, within 48 hours, shall be responsible for determining the age and sex of the horse claimed notwithstanding any designation of sex and age appearing in the program or in any racing publication. Horses that are spayed or gelded shall be properly identified as such in the program. If the claimant finds that a mare is in fact spayed or that the status of a male horse is inaccurate as stated by the program, the claimant may return the horse for full refund of the claiming price.

(6) Affidavit by claimant. The stewards may, if they determine it necessary, require any claimant to execute a sworn statement that the claimant is claiming the horse for the claimant's own account or as an authorized agent for a principal and not for any other person.

(7) Delivery required. No person shall refuse to deliver a properly claimed horse to the successful claimant. The claimed horse shall be disqualified from entering any race until delivery is made to the claimant.

(8) Obstructing the rules of claiming. No person or licensee shall obstruct or interfere with another person or licensee in claiming any horse, enter into any agreement with another to subvert or defeat the object and procedures of a claiming race, or attempt to prevent any horse entered from being claimed.

h. *Elimination of stable.* An owner whose stable has been eliminated by claiming may claim for the remainder of the meeting at which eliminated or for 30 racing days, whichever is longer. With the permission of the stewards, stables eliminated by fire or other casualty may claim under this rule.

i. *Disallowance of claim.* The stewards may cancel and disallow any claim within 24 hours after a race if they determine that a claim was made upon the basis of a lease, sale, or entry of a horse made for the purpose of fraudulently obtaining the privilege of making a claim; or if an eligible claimant improperly obtains information or access to horses by being present in the paddock during the claiming race unless the claimant has a horse in that claiming race, as determined solely by the stewards. In the event of a disallowance, the stewards may further order the return of a horse to its original owner and the return of all claim moneys.

j. *Protest of claim.* A protest to any claim must be filed with the stewards before noon of the day following the date of the race in which the horse was claimed. Nonracing days are excluded from this rule.

k. *Waived claiming rule.* At the time of entry into claiming races, the owner, trainer, or any authorized agent may opt to declare a horse ineligible to be claimed provided:

(1) The horse has not been an official starter at any racetrack for a minimum of 120 days since the horse's last race as an official starter (at time of race);

(2) The horse's last race as an official starter was one in which the horse was eligible to be claimed;

(3) The horse is entered for a claiming price equal to or greater than the claiming price at which the horse last started as an official starter;

(4) Failure of declaration of ineligibility at time of entry may not be remedied; and

(5) Ineligibility to be claimed shall apply only to the horse's first start as an official starter following each such 120-day or longer layoff.

l. *Eligibility of in-foal filly or mare.* An in-foal filly or mare shall be eligible to be entered into a claiming race only if the following conditions are fulfilled:

(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in the secretary's office;

(2) The stallion service certificate has been deposited with the racing secretary's office before the horse runs;

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full;

(4) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed; and

(5) The cutoff for racing is 150 days of gestation.

10.6(19) Quarter horse time trial races.

a. Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten horses.

b. The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten fastest times shall qualify to participate in the finals. If the time trials are conducted on two days, the horses with the five fastest times on the first day and the horses with the five fastest times on the second day shall qualify to participate in the finals. When time trials are conducted on two days, the racing office should make every attempt to split owners with more than one entry into separate days so that the owner's horses have a chance at all ten qualifying positions.

c. If the facility's starting gate has fewer than ten stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.

d. If only 11 or 12 horses are entered to run in time trials from a gate with 12 or more stalls, the facility may choose to run finals only. If 11 or 12 horses participate in the finals, only the first 10 finishers will receive purse money.

e. In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two or more horses have the same time in the same trial heat. Then the order of finish shall also determine the preference in the horses' qualifying for the finals. Should two or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying position(s), then a draw by public lot shall be conducted as directed by the stewards. Under no circumstances should stewards or placing judges attempt to determine horses' qualifying times in separate trials beyond the limit of the timer by comparing or enlarging a photo finish picture.

f. Except in the case of disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.

g. Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one hundredth of a second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for headwind, tailwind, and off track. In the case where a horse is disqualified for interference with another horse causing loss of rider or the horse not to finish the race, the disqualified horse may be given no time plus one hundredth of a second, or the maximum accuracy of the electronic timing device.

h. Should a malfunction occur with an electronic timer on any time trial, finalists from that time trial will then be determined by official hand times operated by three official and disinterested persons. The average of the three hand times will be utilized for the winning time, unless one of the hand times is clearly incorrect. In such cases, the average of the two accurate hand times will be utilized for the winning time. The other horses in that race will be given times according to the order and margins of finish with the aid of the photo finish strip, if available.

i. When there is a malfunction of the timer during the time trials, but the timer operates correctly in other time trials, under no circumstances should the accurate electronic times be discarded and the average of the hand times used for all time trials. (The only exemption may be if the conditions of the stakes race so state, or state that, in the case of a malfunction of the timer in trials, finalists will be selected by order of finish in the trials.)

j. In the case where the accuracy of the electronic timer or the average of the hand times is questioned, the video of a time trial may be used to estimate the winning time by counting the number of video frames in the race from the moment the starting gate stall doors are fully open parallel to the racing track. This method is accurate to approximately .03 seconds. Should the case arise where the timer malfunctions and there are no hand times, the stewards have the option to select qualifiers based on the video time.

k. Should there be a malfunction of the starting gate and one or more stall doors not open or open after the exact moment when the starter dispatches the field, the stewards may declare the horses in stalls with malfunctioning doors to be nonstarters. The stewards should have the option, however, to allow any horse whose stall door opened late but still ran a time fast enough to qualify to be declared a starter for qualifying purposes. In the case where a horse breaks through the stall door or the stall door opens prior to the exact moment the starter dispatches the field, the horse must be declared a nonstarter and all entry fees refunded. In the case where one or more, but not all, stall doors open at the exact moment the starter dispatches the field, these horses should be considered starters for qualifying purposes, and placed according to their electronic times. If the electronic timer malfunctions in this instance, the average of the hand times, or, if not available, the video time, should be utilized for the horses that were declared starters.

l. There will be an also eligible list only in the case of a disqualification for a positive drug test report, ineligibility of the horse according to the conditions of the race, or a disqualification by the stewards for a rule violation. Should a horse be disqualified for a positive drug test report, ineligibility of the horse according to the conditions of the race, or a disqualification by the stewards for a rule violation, the next fastest qualifier shall assume the disqualified horse's position in the finals.

m. If a horse should be scratched from the time trials, the horse's owner will not be eligible for a refund of the fees paid, and that horse will not be allowed to enter the finals under any circumstances. If a horse that qualified for the finals is unable to enter due to racing soundness or is scratched for any reason other than a positive drug test report or a rule violation, the horse shall be deemed to have earned, and the owner will receive, last place purse money. If more than one horse is scratched from the finals for any reason other than a positive drug test report or a rule violation, then the purse moneys shall be added together and divided equally among the owners.

[ARC 7757B, IAB 5/6/09, effective 6/10/09; ARC 9987B, IAB 2/8/12, effective 3/14/12; ARC 1876C, IAB 2/18/15, effective 3/25/15; ARC 2468C, IAB 3/30/16, effective 5/4/16; ARC 2927C, IAB 2/1/17, effective 3/8/17; ARC 3608C, IAB 1/31/18, effective 3/7/18]

491—10.7(99D) Medication and administration, sample collection, chemists, and practicing veterinarian.

10.7(1) Medication and administration.

a. No horse, while participating in a race, shall carry in its body any medication, drug, foreign substance, or metabolic derivative thereof, which is a narcotic or which could serve as a local anesthetic or tranquilizer or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, thereby affecting its speed.

b. Also prohibited are any drugs or foreign substances that might mask or screen the presence of the prohibited drugs, or prevent or delay testing procedures.

c. Proof of detection by the commission chemist of the presence of a medication, drug, foreign substance, or metabolic derivative thereof, prohibited by paragraph "a" or "b," in a saliva, urine, or blood sample duly taken under the supervision of the commission veterinarian from a horse immediately prior to or promptly after running in a race shall be *prima facie* evidence that the horse was administered, with the intent that it would carry or that it did carry in its body while running in a race, prohibited medication, drug, or foreign substance in violation of this rule.

d. Administration or possession of drugs.

(1) No person shall administer, cause to be administered, or participate or attempt to participate in any way in the administration of any medication, drug, foreign substance, or treatment by any route to a horse registered for racing on the day of the race prior to the race in which the horse is entered.

(2) No person except a veterinarian shall have in the person's possession any prescription drug. Prescriptions shall be written or dispensed or both only by duly licensed veterinarians in the context of a valid veterinarian-client-patient relationship and based upon a specific medical diagnosis. However, a person may possess a noninjectable prescription drug for animal use if:

1. The person actually possesses, within the racetrack enclosure, documentary evidence that a prescription has been issued to said person for such a prescription drug.

2. The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug.

3. The horse or horses named in the prescription are then in said person's care within the racetrack enclosure.

(3) No veterinarian or any other person shall have in their possession or administer to any horse within any racetrack enclosure any chemical or biological substance which:

1. Has not been approved for use on equines by the Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq., and implementing regulations, without the prior written approval from a commission veterinarian, after consulting with the board of stewards.

2. Is on any of the schedules of controlled substances as prepared by the Attorney General of the United States pursuant to 21 U.S.C. Sections 811 and 812, without the prior written approval from a commission veterinarian after consultation with the board of stewards. The commission veterinarian shall not give such approval unless the person seeking the approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial therapeutic use in horses.

(4) No veterinarian or any other person shall dispense, sell, or furnish any feed supplement, tonic, veterinary preparation, medication, or any other substance that can be administered or applied to a horse by any route, to any person within the premises of the facility unless it is labeled in conformance with this rule or is otherwise labeled as required by law. A substance does not comply with this rule if the label is missing, illegible, tampered with, or altered.

1. Labels for all substances must include the name of the substance dispensed; the name of the dispensing person; the name of the horse or horses for which the substance is dispensed; the purpose for which the substance is dispensed; the dispensing veterinarian's recommendations for withdrawal before racing, if applicable; and the name of the person to whom dispensed.

2. Labels for medications or other prescribed substances must include all items from subparagraph 10.7(1) "d"(1) and, in addition, the date the prescription was filled; the name of the trainer or owner of the horse for whom the product was dispensed; dose; dosage; route of administration; duration of treatment of the prescribed product; and expiration date.

(5) No person shall have in the person's possession or in areas under said person's responsibility on facility premises any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route unless it complies with the labeling requirements in 10.7(1) "d"(4).

(6) No person shall possess, use, or distribute a compounded medication within the premises of the facility if there is a Food and Drug Administration-approved equivalent of that substance available for purchase unless approved by the commission veterinarian. Veterinary drugs shall be compounded in accordance with all applicable state and federal laws. Compounded medication shall be dispensed only by prescription issued by a licensed veterinarian to meet the medical needs of a specific horse and for use only in that specific horse. All compound medications must be labeled as required by law.

(7) Any drug or medication for horses which is used or kept on facility premises and which requires a prescription must be prescribed in compliance with applicable state law and regulations by a veterinarian who is duly licensed by the commission, the Iowa veterinary board, or the state in which the horse was located at the time of the examination, diagnosis and prescription.

e. Any person found to have administered, or caused, participated in, or attempted to participate in any way in the administration of a medication, drug, or foreign substance that caused or could have caused a violation of this rule shall be subject to disciplinary action.

f. The owner, trainer, groom, or any other person having charge, custody, or care of the horse is obligated to protect the horse properly and guard it against the administration or attempted administration of a substance in violation of this rule. If the stewards find that any person has failed to show proper protection and guarding of the horse, or if the stewards find that any owner, lessee, or trainer is guilty of negligence, they shall impose discipline and take other action they deem proper under any of the rules including referral to the commission.

g. In order for a horse to be placed on the bleeder list in Iowa through reciprocity, that horse must be certified as a bleeder in another state or jurisdiction. A certified bleeder is a horse that has raced with furosemide in another state or jurisdiction in compliance with the laws governing furosemide in that state or jurisdiction.

h. The possession or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:

- (1) Erythropoietin;
- (2) Darbepoetin;
- (3) Oxyglobin®; and
- (4) Hemopure®.

i. The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

- (1) Any treated horse shall not be permitted to race for a minimum of ten days following treatment;
- (2) The use of extracorporeal shock wave therapy or radial pulse wave therapy machines shall be limited to veterinarians licensed to practice by the commission;
- (3) Any extracorporeal shock wave therapy or radial pulse wave therapy machines on the association grounds must be registered with and approved by the commission or its designee before use;
- (4) All extracorporeal shock wave therapy or radial pulse wave therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

j. The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or designee.

k. Non-steroidal anti-inflammatory drugs (NSAIDs).

- (1) The use of one of three approved NSAIDs shall be permitted under the following conditions:

1. The level does not exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

- Phenylbutazone (or its metabolite oxyphenylbutazone) – 2 micrograms per milliliter;
- Flunixin – 20 nanograms per milliliter;
- Ketoprofen – 2 nanograms per milliliter.

2. The NSAIDs listed in numbered paragraph "1" or any other NSAIDs are prohibited from being administered within the 24 hours before post time for the race in which the horse is entered.

3. The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 0.3 micrograms per milliliter, flunixin in a concentration below 3 nanograms per milliliter, or ketoprofen in a concentration below 1 nanogram per milliliter of serum or plasma, or the presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(2) Any horse to which an NSAID has been administered shall be subject to having a blood sample(s), urine sample(s) or both taken at the direction of the official veterinarian to determine the quantitative NSAID level(s) or the presence of other drugs which may be present in the blood or urine sample(s).

10.7(2) Sample collection.

a. Under the supervision of the commission veterinarian, urine, blood, and other specimens shall be taken and tested from any horse that the stewards, commission veterinarian, or the commission's representatives may designate. The samples shall be collected by the commission veterinarian or other person or persons the commission may designate. Each sample shall be marked or numbered and bear information essential to its proper analysis; but the identity of the horse from which the sample was taken or the identity of its owners or trainer shall not be revealed to the official chemist or the staff of the chemist. The container of each sample shall be sealed as soon as the sample is placed therein.

b. A facility shall have a detention barn under the supervision of the commission veterinarian for the purpose of collecting body fluid samples for any tests required by the commission. The building, location, arrangement, furnishings, and facilities including refrigeration and hot and cold running water must be approved by the commission. A security guard, approved by the commission, must be in attendance at each access to the detention barn during the hours designated by the commission.

c. No unauthorized person shall be admitted at any time to the building or the area utilized for the purpose of collecting the required body fluid samples or the area designated for the retention of horses pending the obtaining of body fluid samples.

d. During the taking of samples from a horse, the owner, responsible trainer, or a representative designated by the owner or trainer may be present and witness the taking of the sample and so signify in writing. Failure to be present and witness the collection of the samples constitutes a waiver by the owner, trainer, or representative of any objections to the source and documentation of the sample.

e. The commission veterinarian, the board of stewards, agents of the division of criminal investigation, or commission representative may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance which could affect the racing condition of a horse in a race, which may be found in barns or elsewhere on facility premises or in the possession of any person connected with racing, and the same shall be delivered to the official chemist for analysis.

f. Nothing in these rules shall be construed to prevent:

(1) Any horse in any race from being subjected by the order of a steward or the commission veterinarian to tests of body fluid samples for the purpose of determining the presence of any foreign substance.

(2) The state steward or the commission veterinarian from authorizing the splitting of any sample.

(3) The commission or commission veterinarian from requiring body fluid samples to be stored in a frozen state for future analysis.

g. Before leaving the racing surface, the trainer shall ascertain the testing status of the horse under the trainer's care from the commission veterinarian or designated detention barn representative.

10.7(3) Chemists.

a. Tests are to be under the supervision of the commission, which shall employ one or more chemists or contract with one or more qualified chemical laboratories to determine by chemical testing and analysis of body fluid samples whether a foreign substance, medication, drug or metabolic derivative thereof is present.

b. All body fluid samples taken by or under direction of the commission veterinarian or commission representative shall be delivered to the laboratory of the official chemist for analysis.

c. The commission chemist shall be responsible for safeguarding and testing each sample delivered to the laboratory by the commission veterinarian.

d. The commission chemist shall conduct individual tests on each sample, screening them for prohibited substances, and conducting other tests to detect and identify any suspected prohibited substance or metabolic derivative thereof with specificity. Pooling of samples shall be permitted only with the knowledge and approval of the commission.

e. Upon the finding of a test negative for prohibited substances, the remaining portions of the sample may be discarded. Upon the finding of tests suspicious or positive for prohibited substances, the tests shall be reconfirmed, and the remaining portion, if available, of the sample shall be preserved and protected for two years following close of meet.

f. The commission chemist shall submit to the commission a written report as to each sample tested, indicating by sample tag identification number, whether the sample was tested negative or positive for prohibited substances. The commission chemist shall report test findings to no person other than the administrator or commission representative, with the exception of notifying the state stewards of all positive tests.

g. In the event the commission chemist should find a sample suspicious for a prohibited medication, additional time for test analysis and confirmation may be requested.

h. In reporting to the state steward a finding of a test positive for a prohibited substance, the commission chemist shall present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of the professional opinion as to the positive finding.

i. No action shall be taken by the state steward until an official report signed by the chemist properly identifying the medication, drug, or other substance as well as the horse from which the sample was taken has been received.

j. The cost of the testing and analysis shall be paid by the commission to the official chemist. The commission shall then be reimbursed by each facility on a per-sample basis so that each facility shall bear only its proportion of the total cost of testing and analysis. The commission may first receive payment from funds provided in Iowa Code chapter 99D, if available.

10.7(4) Practicing veterinarian.

a. Prohibited acts.

(1) Ownership. A licensed veterinarian practicing at any meeting is prohibited from possessing any ownership, directly or indirectly, in any racing animal racing during the meeting.

(2) Wagering. Veterinarians licensed by the commission as veterinarians are prohibited from placing any wager of money or other thing of value directly or indirectly on the outcome of any race conducted at the meeting at which the veterinarian is furnishing professional service.

(3) Prohibition of furnishing injectable materials. No veterinarian shall within the facility premises furnish, sell, or loan any hypodermic syringe, needle, or other injection device, or any drug, narcotic, or prohibited substance to any other person unless with written permission of the stewards.

b. The use of other than single-use disposable syringes and infusion tubes on facility premises is prohibited. Whenever a veterinarian has used a hypodermic needle or syringe, the veterinarian shall destroy the needle and syringe and remove the needle and syringe from the facility premises.

c. Veterinarians must submit daily to the commission veterinarian on a prescribed form a report of all procedures, medications and other substances which the veterinarian prescribed, administered, or dispensed for racing animals registered at the current race meeting as provided in Iowa Code section 99D.25(10). Reports shall be submitted not later than noon the day following the treatments' being reported. Reports shall include the racing animal, trainer, procedure, medication or other substance, dosage or quantity, route of administration, date and time administered, dispensed, or prescribed. Reports shall be signed by the practicing veterinarian.

d. Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete unless approved by the state veterinarian except in the case of emergency. In case of an emergency, the state veterinarian must be notified prior to entering the stall. A documented attempt to contact the state veterinarian prior to entering the stall shall comply with the notification requirements pursuant to this rule. Any unauthorized contact may result in the horse's being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the stewards.

e. Each veterinarian shall report immediately to the commission veterinarian any illness presenting unusual or unknown symptoms in a racing animal entrusted into the veterinarian's care.

f. Practicing veterinarians may have employees licensed as veterinary assistants working under their direct supervision. Activities of these employees shall not include direct treatment or diagnosis of any animal. The practicing veterinarian must be present if a veterinary assistant is to have access to injection devices or injectables. The practicing veterinarian shall assume all responsibility for a veterinary assistant.

g. Equine dentistry is considered a function of veterinary practice by the Iowa veterinary practice Act. Any dental procedures performed at the facility must be performed by a licensed veterinarian or a licensed veterinary assistant.

[ARC 7757B, IAB 5/6/09, effective 6/10/09; ARC 2468C, IAB 3/30/16, effective 5/4/16; ARC 3446C, IAB 11/8/17, effective 12/13/17; ARC 3608C, IAB 1/31/18, effective 3/7/18]

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◊ Two or more ARCs

- ¹ Effective date (1/4/89) of 10.4(14), 10.4(19)^{"b"} and 10.6 delayed by the Administrative Rules Review Committee until January 9, 1989, at its December 13, 1988, meeting; effective date of January 4, 1989, delayed seventy days by this Committee at its January 5, 1989, meeting. Effective date delay lifted by the Committee at its February 13, 1989, meeting.
- ² Effective date of 10.6(2)^{"g"}(3) second paragraph delayed until adjournment of the 1997 Session of the General Assembly by the Administrative Rules Review Committee at its meeting held October 8, 1996.
- ³ June 19, 2013, effective date of 10.4(4)^{"a"}(6) and 10.4(4)^{"d"}(3)^{"1"} [Items 17 and 18 of ARC 0734C, respectively] delayed until the adjournment of the 2014 General Assembly by the Administrative Rules Review Committee at its meeting held June 11, 2013.

CHAPTER 11 GAMBLING GAMES

491—11.1(99F) Definitions.

“Administrator” means the administrator of the racing and gaming commission or the administrator’s designee.

“Coin” means tokens, nickels, and quarters of legal tender.

“Commission” means the racing and gaming commission.

“Currency” means any coin or paper money of legal tender and paper forms of cashless wagering.

“Discount rate” means either the current prime rate as published in the Wall Street Journal or a blended rate computed by obtaining quotes for the purchase of qualified investments at least three times per month.

“Distributor’s license” means a license issued by the administrator to any entity that sells, leases, or otherwise distributes gambling games or implements of gambling to any entity licensed to conduct gambling games pursuant to Iowa Code chapter 99F.

“Facility” means an entity licensed by the commission to conduct gaming operations in Iowa.

“Facility grounds” means all real property utilized by the facility in the conduct of its gaming activity, including the grandstand, concession stands, offices, parking lots, and any other areas under the jurisdiction of the commission.

“Gambling game” means any game of chance approved by the commission for wagering, including, but not limited to, gambling games authorized by this chapter.

“Government sponsored enterprise debt instrument” means a negotiable, senior, noncallable debt obligation issued by an agency of the United States or an entity sponsored by an agency of the United States that on the date of funding possesses an issuer credit rating equivalent to the highest investment grade rating given by Standard & Poor’s or Moody’s Investment Services.

“Implement of gambling” means any device or object determined by the administrator to directly or indirectly influence the outcome of a gambling game; collect wagering information while directly connected to a slot machine; or be integral to the conduct of a commission-authorized gambling game.

“Independent financial institution” means a bank approved to do business in the state of Iowa or an insurance company admitted to transact insurance in the state of Iowa with an A.M. Best insurance rating of “A” or other equivalent rating.

“Manufacturer’s license” means a license issued by the administrator to any entity that assembles, fabricates, produces, or otherwise constructs a gambling game or implement of gambling used in the conduct of gambling games pursuant to Iowa Code chapter 99F.

“Present value” means the current value of a future payment or series of payments, discounted using the discount rate.

“Qualified investment” means an Iowa state issued debt instrument, a United States Treasury debt instrument or a government sponsored enterprise debt obligation.

“Reserve” means an account with an independent financial institution or brokerage firm consisting of cash, qualified investments, or other secure funding method approved by the administrator used to satisfy periodic payments of prizes.

“Slot machine” means a mechanical or electronic gambling game device into which a player may deposit currency or forms of cashless wagering and from which certain numbers of credits are awarded when a particular configuration of symbols or events is displayed on the machine.

“Storage media” means EPROMs, ROMs, flash-ROMs, DVDs, CD-ROMs, compact flashes, hard drives and any other types of program storage device.

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491—11.2(99F) Conduct of all gambling games.

11.2(1) Commission policy. It is the policy of the commission to require that all facilities conduct gambling games in a manner suitable to protect the public health, safety, morals, good order, and general welfare of the state. Responsibility for the employment and maintenance of suitable methods of operation

rests with the facility. Willful or persistent use or toleration of methods of operation deemed unsuitable in the sole discretion of the commission will constitute grounds for disciplinary action, up to and including license revocation.

11.2(2) Activities prohibited. A facility is expressly prohibited from the following activities:

- a. Failing to conduct advertising and public relations activities in accordance with decency, dignity, good taste, and honesty.
- b. Permitting persons who are visibly intoxicated to participate in gaming activity.
- c. Failing to comply with or make provision for compliance with all federal, state, and local laws and rules pertaining to the operation of a facility including payment of license fees, withholding payroll taxes, and violations of alcoholic beverage laws or regulations.
- d. Possessing, or permitting to remain in or upon any facility grounds, any associated gambling equipment which may have in any manner been marked, tampered with, or otherwise placed in a condition or operated in a manner which might affect the game and its payouts.
- e. Permitting, if the facility was aware of, or should have been aware of, any cheating.
- f. Possessing or permitting to remain in or upon any facility grounds, if the facility was aware of, or should have been aware of, any cheating device whatsoever; or conducting, carrying on, operating, or dealing any cheating or thieving game or device on the grounds.
- g. Possessing or permitting to remain in or upon any facility grounds, if the facility was aware of, or should have been aware of, any gambling device which tends to alter the normal random selection of criteria which determines the results of the game or deceives the public in any way.
- h. Failing to conduct gaming operations in accordance with proper standards of custom, decorum, and decency; or permitting any type of conduct that reflects negatively on the state or acts as a detriment to the gaming industry.
- i. Denying a commissioner or commission representative, upon proper and lawful demand, information or access to inspect any portion of the gaming operation.

11.2(3) Gambling aids. No person shall use, or possess with the intent to use, any calculator, computer, or other electronic, electrical, or mechanical device that:

- a. Assists in projecting the outcome of a game.
- b. Keeps track of cards that have been dealt.
- c. Keeps track of changing probabilities.

11.2(4) Wagers. Wagers may only be made:

- a. By a person present at a facility.
- b. In the form of chips, coins, or other cashless wagering.
- c. By persons 21 years of age or older.

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—11.3(99F) Gambling games approved by the commission. The commission may approve a gambling game by administrative rule, resolution, or motion.

491—11.4(99F) Approval for distribution, operation, or movement of gambling games and implements of gambling.

11.4(1) Approval. Prior to distribution, a distributor shall request that the administrator inspect, investigate, and approve a gambling game or implement of gambling for compliance with commission rules and the standards required by a commission-designated independent testing facility. The distributor, at its own expense, must provide the administrator and independent testing facility with information and product sufficient to determine the integrity and security of the product, including independent testing conducted by a designated testing facility. The commission shall designate up to two independent testing facilities for the purpose of certifying electronic gambling games or implements of gambling.

11.4(2) Trial period. Prior to or after commission approval and after completing a review of a proposed gambling game, the administrator may require a trial period of up to 180 days to test the gambling game in a facility. During the trial period, minor changes in the operation or design of

the gambling game may be made with prior approval of the administrator. During the trial period, a gambling game distributor shall not be entitled to receive revenue of any kind from the operation of that gambling game.

11.4(3) Gambling game submissions. Prior to conducting a commission-authorized gambling game or for a trial period, a facility shall submit proposals for game rules, procedures, wagers, shuffling procedures, dealing procedures, cutting procedures, and payout odds. The gambling game submission, or requests for modification to an approved submission, shall be in writing and approved by the administrator or a commission representative prior to implementation.

11.4(4) Public notice. The public shall have access to the rules of play, payout schedules, and permitted wagering amounts. Signage shall be conspicuously posted on the gaming floor to direct patrons to the gaming floor area where this information can be viewed. All participants in all licensed gambling games are required to know and follow the rules of play. No forms of cheating shall be permitted.

11.4(5) Operation. Each gambling game shall operate and play in accordance with the representation made to the commission and the public at all times. The administrator or commission representative may order the withdrawal of any gambling game suspected of malfunction or misrepresentation, until all deficiencies are corrected. The administrator or commission representative may require additional testing by an independent testing facility at the expense of the licensee or distributor for the purpose of complying with this subrule.

11.4(6) Distribution, movement and disposal.

a. Except as otherwise authorized by the administrator, written notice, submitted by facsimile or electronic mail, shall be filed with the commission when a gambling game or implement of gambling is shipped, moved or disposed of. The written notice shall be provided as follows:

(1) At least five calendar days prior to arrival of a gambling game or implement of gambling at a licensed facility, the licensed distributor shall provide notice.

(2) At least one day before a gambling game is removed from or disposed of by a licensed facility, the licensed facility or the owner shall provide notice. All methods of disposal for gambling games or implements of gambling are subject to administrator approval.

b. The administrator may approve licensee transfers of gambling games or implements of gambling among subsidiaries of the licensee's parent company.

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491—11.5(99F) Gambling games authorized.

11.5(1) Craps, roulette, twenty-one (blackjack), baccarat, and poker are authorized as table games. The administrator is authorized to approve multiplayer electronic devices simulating these games, subject to the requirements of rule 491—11.4(99F) and subrule 11.5(3).

11.5(2) Slot machines, video poker, and other video games of chance, both progressive and nonprogressive, shall be allowed as slot machine games, subject to the administrator's approval of individual slot machine prototypes and game variations. For racetrack enclosures without a table games license, video machines which simulate table games of chance shall not be allowed.

11.5(3) The administrator is authorized to approve variations of approved gambling games and bonus features or progressive wagers associated with approved gambling games, subject to the requirements of rule 491—11.4(99F).

a. Features utilizing a controller or a system linked to gambling games that do not require direct monetary consideration and are not otherwise integrated within a slot machine game theme may be allowed as bonus features. Payouts from these bonus features may be included in winnings for the calculation of wagering tax adjusted gross receipts when the following conditions are met:

(1) The only allowable nonmonetary consideration to be expended by a participant shall be active participation in a gambling game with a bonus feature or use of a player's club card, or both.

(2) The actual bonus payout deductible in any month from all qualified system bonuses requiring no additional direct monetary consideration shall be:

1. No more than 2 percent of the coin-in for all slot machines linked to any system bonuses for that month, if slot machines linked to system bonuses exceed 20 percent of the total number of slot machines; or
2. No more than 3 percent of the coin-in for all slot machines linked to any system bonuses for that month, if slot machines linked to system bonuses are less than or equal to 20 percent of the total number of slot machines; or
3. No more than 3 percent of the amount wagered on the qualifying bets for all table games linked to any system bonus for that month.

(3) The probability of winning a system bonus award shall be the same for all persons participating in the bonus feature.

b. Noncashable credit payouts may be allowed as bonus feature payouts subject to the administrator's approval of individual accounting, expiration and redemption practices.

11.5(4) Gambling games of chance involving prizes awarded to participants through promotional activities at a facility.

a. *Proposals.* Gambling games of chance involving prizes awarded to participants through promotional activities shall be authorized and approved by the commission. Before a facility may conduct such gambling games, all proposals for terms, game rules, prizes, dates of operation and procedures for any gambling games of chance involving prizes awarded through promotional activities shall be submitted in writing to a commission representative for approval. The written submission shall be submitted to the commission representative at least 14 days in advance of the planned activity. Any changes to an approved gambling game of chance involving prizes awarded to participants through promotional activities shall also require the approval of the commission representative. Gambling games of chance involving prizes awarded to participants through promotional activities shall meet the following requirements:

- (1) All rules of play shall be in writing and posted for public inspection;
- (2) Such games shall be limited to participants 21 years of age or older;
- (3) All games shall be conducted in a fair and honest manner, and all prizes advertised shall be awarded in accordance with the posted rules of play;
- (4) All such games shall be conducted on the gaming floor and shall be conducted in accordance with the submission approved by the commission representative;
- (5) No entry fees shall be permitted; and
- (6) All employees of the facility shall be prohibited from participation.

b. *Limits.* Gambling games of chance involving prizes awarded to participants through promotional activities conducted at a facility shall be subject to the wagering tax pursuant to Iowa Code section 99F.11. However, in determining the adjusted gross receipts, the facility may consider all nonmonetary consideration expended by a participant and shall certify to the commission that the nonmonetary consideration is at least equal to the value of the prizes awarded.

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491—11.6(99F) Gambling game-based tournaments.

11.6(1) *Proposals.* Proposals for terms, game rules, entry fees, prizes, dates, and procedures must be submitted in writing and approved by a commission representative before a facility conducts any tournament. Any changes to approved tournaments must be submitted to the commission representative for review and approval prior to being implemented. The written proposal or change shall be submitted to a commission representative at least 14 days in advance of the planned activity. Rules, fees, and a schedule of prizes must be made available to the player prior to entry.

11.6(2) *Limits.* Tournaments must be based on gambling games authorized by the commission. Entry fees, less prizes paid, are subject to the wagering tax pursuant to Iowa Code section 99F.11. In determining adjusted gross receipts, to the extent that prizes paid out exceed entry fees received, the facility shall be deemed to have paid the fees for the participants.

11.6(3) Tournament chips. Tournament chips used as wagers in table game tournament proposals approved pursuant to this rule shall be imprinted with a number representing the value of the chip or shall be assigned a value. The facility shall provide that:

- a. The assigned value of tournament chips be conspicuously displayed in the tournament area.
- b. Internal controls which account for all tournament chips and include reconciliation, handling and variance procedures are approved by a commission representative.

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9987B, IAB 2/8/12, effective 3/14/12]

491—11.7(99F) Table game requirements.

11.7(1) Devices that determine or affect the outcome of wagers or are used in the collection of wagers on table games are subject to the requirements of rule 491—11.4(99F) and subrule 11.5(3). Removable storage media shall be sealed with tamper-evident tape by a commission representative prior to implementation.

11.7(2) Wagers.

- a. All wagers at table games shall be made by placing gaming chips or coins on the appropriate areas of the layout.
- b. Information pertaining to the minimum and maximum allowed at the table shall be posted on the game.
- c. A facility may impose an aggregate payout limit on a per round basis for approved table game odds payouts that are greater than 50 to 1. If imposed, aggregate limits shall be at least the highest available award at the posted minimum bet, or \$25,000, whichever amount is greater, and the amount shall be posted on the game. When applying the aggregate payout limit to multiple players' wins, facilities shall calculate each player's win as a pro rata share of the aggregate payout limit. Alternate aggregate or individual player payout limits may be established, as determined by the administrator.
- d. Any other fee collected to participate in a table game shall be subject to the wagering tax pursuant to Iowa Code section 99F.11.

11.7(3) Craps.

a. Wagers must be made before the dice are thrown. "Call bets," or the calling out of bets between the time the dice leave the shooter's hand and the time the dice come to rest, not accompanied by the placement of gaming chips, are not allowed. A wager made on any bet may be removed or reduced at any time prior to a roll that decides the outcome of such wager unless the wager is a "Pass" or "Come" bet and a point has been established with respect to such bet or the wager is a proposition bet contingent on multiple rolls.

b. The shooter shall make a "Pass" or "Don't Pass" bet and shall handle the two selected dice with one hand before throwing the dice in a simultaneous manner.

c. Each die used shall be transparent.

11.7(4) Twenty-one.

a. Before the first card is dealt for each round of play, each player shall make a wager against the dealer. Once the first card of any hand has been dealt by the dealer, no player shall handle, remove, or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager. Once a wager on the insurance line, a wager to double down, or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove, or alter the wagers until a decision has been rendered and implemented with respect to that wager, except as explicitly permitted. A facility or licensee shall not permit any player to engage in conduct that violates this paragraph.

b. At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in a prescribed order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to the far right and moving counterclockwise around the table. The dealer's hand will be the last hand collected. The cards will then be placed on top of the discard pile. No player or spectator shall remove or alter any cards used to game at twenty-one or be permitted to do so by a casino employee.

c. Each player at the table shall be responsible for correctly computing the point count of the player's hand. No player shall rely on the point counts announced by the dealer without checking the accuracy of such announcement.

11.7(5) Roulette.

a. No person at a roulette table shall be issued or permitted to game with nonvalue gaming chips that are identical in color and design to value gaming chips or to nonvalue gaming chips being used by another person at that same table.

b. Each player shall be responsible for the correct positioning of the player's wager on the roulette layout, regardless of whether the player is assisted by the dealer. Each player must ensure that any instructions the player gives to the dealer regarding the placement of the player's wager are correctly carried out.

c. Each wager shall be settled strictly in accordance with its position on the layout when the ball falls to rest in a compartment of the wheel.

11.7(6) Big six.

a. Wagers must be made before the spin of the wheel.

b. Each player shall be responsible for the correct positioning of the player's wager on the layout regardless of whether that player is assisted by the dealer.

c. The wheel may be spun in either direction, but must complete at least three revolutions to be considered a valid spin.

d. Each wager shall be settled strictly in accordance with its position on the layout when the wheel stops with the winning indicator in a compartment of the wheel. In accordance with subrule 11.4(3), the rules shall include procedures addressing wheel stops that land between two compartments of the wheel. These procedures shall be posted at the game.

11.7(7) Poker.

a. When a facility conducts poker with an imprest dealer gaming chip bank, the rules in 491—Chapter 12 for closing and distributing or removing gaming chips to or from gaming tables do not apply. The entire amount of the table rake is subject to the wagering tax pursuant to Iowa Code section 99F.11. Proposals for imprest dealer gaming chip banks must be submitted in writing and approved by a commission representative prior to use and must include, but not be limited to, controls to regularly monitor, investigate, and report table bank variances.

b. All games shall be played according to table stakes game rules as follows:

- (1) Only gaming chips or coins on the table at the start of a deal shall be in play for that pot.
- (2) Concealed gaming chips or coins shall not play.

(3) A player with gaming chips may add additional gaming chips between deals, provided that the player complies with any minimum buy-in requirement.

(4) A player is never obliged to drop out of contention because of insufficient gaming chips to call the full amount of a bet, but may call for the amount of gaming chips the player has on the table. The excess part of the bet made by other players is either returned to the players or used to form a side pot.

c. Each player in a poker game is required to act only in the player's own best interest. The facility has the responsibility of ensuring that any behavior designed to assist one player over another is prohibited. The facility may prohibit any two players from playing in the same game.

d. Poker games where winning wagers are paid by the facility according to specific payout odds or pay tables are permitted.

e. The facility shall comply with and receive approval pursuant to subrule 11.4(3) for each type of poker game offered.

f. The facility may elect to offer a jackpot award generated from pot contributions at a table or group of tables for predesignated high-value poker hands, subject to the following requirements:

(1) Approval of the jackpot award rules must be obtained from a commission representative prior to play.

(2) Jackpot award rules and jackpot award amounts shall be posted in a conspicuous location within the poker room. Jackpot award amounts shall be updated no less than once per day.

(3) The facility shall divide pot contributions for any single qualifying award circumstance or event into no more than three jackpot award pools.

(4) The jackpot award pool containing the highest monetary value amount shall be the amount posted in the poker room and awarded to a qualifying player or players.

(5) If additional jackpot award pools are in use, the award pool containing the highest monetary value shall be used to seed the primary jackpot award pool.

(6) All moneys collected as pot contributions to a jackpot award payout shall be distributed in their entirety to the players; no facility shall charge an administration fee for distribution of a jackpot award.

11.7(8) Baccarat. Before the first card is dealt for each round of play, each player is permitted to make a wager on the Banker's Hand, Player's Hand, Tie Bet, and any proposition bet if offered. All wagers shall be made by placing gaming chips on the appropriate areas of the layout. Once the first card has been dealt by the dealer, no player shall handle, remove, or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

11.7(9) Preverified cards. Cards that are verified prior to arrival at the facility may be approved by the administrator for use in table games authorized by this rule. Preverified cards may be shuffled or sequenced according to the licensee's specifications. Each manufacturer of preverified cards shall request approval of its cards, pursuant to subrule 11.4(1), and is subject to the following additional requirements:

a. Each device used to verify or automate the randomization of the cards before they are shipped to a licensee shall be certified by a commission-designated independent testing facility.

b. The manufacturer shall develop and submit to the administrator a process for producing, shuffling, and packaging preverified cards that includes the following:

(1) A visual inspection of the back of each card, ensuring the cards are not flawed or marked in any way that might compromise the integrity of the gambling game.

(2) A verification that each package of cards contains the correct number of suits and cards in accordance with the commission-approved rules of the game for the game with which the package of cards is intended for use.

(3) Insertion of the cards in a package with a tamper-evident seal that bears conspicuous indication if the package has been opened. The exterior of the package shall indicate:

1. The total number of decks contained within the package.
2. The commission-authorized game with which the cards are intended for use.
3. The color of the cards within the package.

(4) Generation of a receipt in the package or a label on the sealed package to include the following information:

1. The total number of cards and decks contained within the package.
2. The date and time the cards were shuffled, verified and packaged.
3. Information sufficient to determine the specific details regarding any persons or devices involved in the production, verification or packaging of the cards.

[ARC 9987B, IAB 2/8/12, effective 3/14/12; ARC 2927C, IAB 2/1/17, effective 3/8/17; ARC 3608C, IAB 1/31/18, effective 3/7/18]

491—11.8(99F) Keno.

11.8(1) Keno shall be conducted using an automated ticket writing and redemption system where a game's winning numbers are selected by a random number generator.

11.8(2) Each game shall consist of the selection of 20 numbers out of 80 possible numbers, 1 through 80.

11.8(3) For any type of wager offered, the payout must be at least 70 percent.

11.8(4) Multigame tickets shall be limited to 20 games.

11.8(5) Writing or voiding tickets for a game after that game has closed is prohibited.

11.8(6) All winning tickets shall be valid up to a maximum of one year from the date of purchase. All expired, unclaimed winning tickets shall be subject to the requirements in 491—paragraph 12.11(2) "b."

11.8(7) The administrator shall determine minimum hardware and software requirements to ensure the integrity of play. An automated keno system must be proven to accurately account for adjusted gross receipts to the satisfaction of the administrator.

11.8(8) Adjusted gross receipts from keno games shall be the difference between dollar value of tickets written and dollar value of winning tickets as determined from the automated keno system. The wagering tax pursuant to Iowa Code section 99F.11 shall apply to adjusted gross receipts of keno games.

11.8(9) An area of a facility shall not be designated as gaming floor for the sole purpose of keno runners, who accept patron wagering funds remotely from the keno game location.
[ARC 9018B, IAB 8/25/10, effective 9/29/10]

491—11.9(99F) Slot machine requirements.

11.9(1) *Payout percentage.* A slot machine game must meet the following maximum and minimum theoretical percentage payouts during the expected lifetime of the game.

a. A slot machine game's theoretical payout must be at least 80 percent and no more than 100 percent of the amount wagered. The theoretical payout percentage is determined using standard methods of probability theory. Slot machine games with a bonus feature that is available with varying payouts based on the player's ability shall be allowed if the difference between the minimum and maximum payout for all ability-based outcomes does not exceed a 4 percent contribution to the overall theoretical payout of the slot machine game.

b. A slot machine game shall have a probability of obtaining the highest single advertised payout, which must statistically occur at least once in 50 million games.

11.9(2) *Features.* Unless otherwise authorized by the administrator, each slot machine in a casino shall have the following features:

a. A casino number at least two inches in height permanently imprinted, affixed, or impressed on the outside of the machine so that the number may be observed by the surveillance camera.

b. A clear description displayed on the slot machine of any merchandise or thing of value offered as a payout including the cash equivalent value of the merchandise or thing of value offered, the dates the merchandise or thing of value will be offered if the facility establishes a time limit upon initially offering the merchandise or thing of value, and the availability or unavailability to the patron of the optional cash equivalent value. A cash equivalent value shall be at least 75 percent of the fair market value of the merchandise or thing of value offered.

c. Devices, equipment, features, and capabilities, as may be required by the commission, that are specific to each slot machine after the prototype model is approved by the commission.

11.9(3) *Storage media.* Hardware media devices which contain game functions or characteristics, including but not limited to pay tables and random number generators, shall be verified and sealed with evidence tape by a commission representative prior to being placed in operation, as determined by the administrator.

11.9(4) *Posting of the actual aggregate payout percentage.* The actual aggregate payout percentage to the nearest one-tenth of 1 percent (0.1%) of all slot machine games in operation during the preceding three calendar months shall be posted at the main casino entrance, cashier cages, and slot booths by the fifteenth day of each calendar month. For the purpose of this calculation, the actual aggregate payout percentage shall be the slot revenue reported to the commission during the preceding three calendar months divided by the slot coin-in reported to the commission during the preceding three calendar months subtracted from 100 percent.

11.9(5) *Communication equipment.* Equipment must be installed in each slot machine that allows for communication to an online monitoring and control system accessible, with read-only access, to the commission representatives using a communications protocol provided to each licensed manufacturer by the commission for the information and control programs approved by the administrator.

11.9(6) *Meter clears.* Prior to the clearing of electronic accounting meters detailed in paragraph 11.10(2) "c," a licensee must notify a commission representative. All meters recorded by the game must be retained according to the requirements in 491—subrule 5.4(14).
[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9018B, IAB 8/25/10, effective 9/29/10]

491—11.10(99F) Slot machine hardware and software specifications.

11.10(1) *Hardware specifications.*

a. Electrical and mechanical parts and design principles shall not subject players to physical hazards.

b. The battery backup, or an equivalent, for the electronic meters must be capable of maintaining accuracy of all required information for 30 days after power is discontinued from a slot machine. The backup shall be kept within the locked logic board compartment.

c. An identification badge permanently affixed by the manufacturer to the exterior of the cabinet shall include the following information:

- (1) The manufacturer;
- (2) A unique serial number;
- (3) The gaming device model number; and
- (4) The date of manufacture.

d. The operations and outcomes of each slot machine must not be adversely affected by influences from outside the device.

e. The internal space of a slot machine shall not be readily accessible when the front door is both closed and locked.

f. Logic boards and software storage media which significantly influence the operation of the game must be in a locked compartment within the slot machine.

g. The currency drop container must be in a locked compartment within or attached to the slot machine. Access to the currency storage areas shall be secured by separate locks which shall be fitted with sensors that indicate door open/closed or stacker removed.

h. No hardware switches may be installed that alter the pay tables or payout percentages in the operation of a slot machine. Hardware switches may be installed to control graphic routines, speed of play, and sound.

i. A display which automatically illuminates when a player has won a jackpot or other award not paid automatically and totally by the slot machine and which advises players that they will be paid by an attendant shall be located conspicuously on the slot machine.

j. A payglass/video display shall be clearly identified and shall accurately state the rules of the game and the award that will be paid to the player when the player obtains a specific combination of symbols or other criteria. All information required in this paragraph must be available and readable at all times the slot machine is in service.

k. A light that automatically illuminates when a player has won an amount or is redeeming credits that the machine cannot automatically pay, an error condition has occurred, or a "Call attendant" condition has been initiated by the player shall be located conspicuously on top of the gaming device. At the discretion of the administrator, tower lights may be shared among certain machines or substituted by an audible alarm.

l. If credits are collected and the total credit value is unable to be paid automatically by the gaming device, the device shall lock up until the credits have been paid and the amount collected has been cleared by an attendant handpay or normal operation has been restored.

11.10(2) Software specifications.

a. *Random number generator.* Each slot machine must have a random number generator to determine the results of the game symbol selections or production of game outcomes. The selection shall:

- (1) Be statistically independent.
- (2) Conform to the desired random distribution.
- (3) Pass various recognized statistical tests.
- (4) Be unpredictable.
- (5) Have a testing confidence level of 99 percent.

b. *Continuation of game after malfunction is cleared.* Each slot machine must be capable of continuing the current game with all current game features after a malfunction is cleared. This paragraph does not apply if a slot machine is rendered totally inoperable; however, the current wager and all credits appearing on the screen prior to the malfunction must be returned to the player.

c. *Electronic accounting meters.* Each slot machine must maintain electronic accounting meters at all times, regardless of whether the slot machine is being supplied with power. For each meter recording values, the slot machine must be capable of maintaining no fewer than ten digits. For each meter recording occurrences, the slot machine must be capable of maintaining no fewer than eight digits. No slot machine may have a mechanism that will cause the electronic accounting meters to automatically clear due to an error. The electronic meters must record, at a minimum, the following:

- (1) Coin-in.
- (2) Coin-out.
- (3) Drop.
- (4) Attendant-paid jackpots.
- (5) Currency in.
- (6) Currency out.
- (7) External door.
- (8) Bill validator door.
- (9) Machine-paid external bonus payout.
- (10) Attendant-paid external bonus payout.
- (11) Attendant-paid progressive payout.
- (12) Machine-paid progressive payout.

d. *Error conditions.* Each slot machine shall display and report error conditions to the online monitoring system. For machines that display only a code, definitions for all codes must be permanently affixed to the interior of the slot machine. Error conditions that must be displayed and reported include but are not limited to:

- (1) Currency in.
- (2) Currency out.
- (3) Door open.
- (4) RAM.
- (5) Low battery.
- (6) Program authentication.
- (7) Reel spin.
- (8) Power reset.

11.10(3) Previous slot machine models. Subject to administrator approval of specific gaming devices, slot machines may be used that do not meet the requirements of subrules 11.10(1) and 11.10(2) but have been certified under previously approved specifications by a commission-designated independent testing facility and maintain a current certification.

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—11.11(99F) Slot machine specifications. Rescinded IAB 8/12/09, effective 9/16/09.

491—11.12(99F) Progressive slot machines.

11.12(1) Meter required. A progressive machine is a slot machine game with an award amount that increases based on a function of credits bet on the slot machine and that is awarded when a particular configuration of symbols or events is displayed on the slot machine. Random events generating awards independent of the base slot machine game and not dependent on any specific slot machine game shall be considered bonus features. A progressive slot machine or group of linked progressive slot machines must have a meter showing the progressive jackpot payout.

11.12(2) Progressive controllers. The reset or base value and the rate of increment of a progressive jackpot game must be filed with a commission representative prior to implementation. A reset or base value must equal or exceed the equivalent nonprogressive jackpot payout.

11.12(3) Limits. A facility may impose a limit on the progressive jackpot payout of a slot machine if the limit imposed is greater than the progressive jackpot payout at the time the limit is imposed. The facility must prominently display a notice informing the public of the limit. No progressive meter may be turned back to a lesser amount unless one of the following circumstances occurs:

- a. The amount shown on the progressive meter is paid to a player as a jackpot.
- b. It is necessary to adjust the progressive meter to prevent it from displaying an amount greater than the limit imposed by the facility.
- c. It is necessary to change the progressive indicator because of game malfunction.

11.12(4) Transfer of jackpots. In the event of malfunction, replacement, or other reason approved by the commission, a progressive jackpot that is removed shall be transferred, less the reset value, to other progressive slot machine jackpots of similar progressive wager and probability at the same facility within 30 days from the removal date. In the event a similar progressive jackpot at the same facility is unavailable, other transfers shall be allowed. A commission representative shall be notified in writing prior to a removal or transfer.

11.12(5) Records required. Records must be maintained that record the amount shown on a progressive jackpot meter. Supporting documents must be maintained to explain any reduction in the payoff amount from a previous entry. The records and documents must be retained for a period of three years unless permission to destroy them earlier is given in writing by the administrator.

11.12(6) Transfer of progressive slot machines. A progressive slot machine, upon permission of the administrator, may be moved to a different facility if a bankruptcy, loss of license, or other good cause warrants.

11.12(7) Linked machines. Each machine on the link shall have the same probability of winning the progressive jackpot, adjusted for the total amount wagered. The product of the odds of winning the progressive jackpot multiplied by the maximum amount wagered shall be equal for all games on the link.

11.12(8) Wide area progressive systems. A wide area progressive system is a method of linking progressive slot machines or electronic gaming machines by secured data communication as part of a network that connects participating facilities. The purpose of a wide area progressive system is to offer a common progressive jackpot (system jackpot) at all participating locations within Iowa or in multiple states. The operation of a wide area progressive system (multilink) is permitted, subject to the following conditions:

a. The provider of a multilink (provider) shall be an entity licensed as a manufacturer, a distributor, or an operator of gambling games within the state of Iowa or be the qualified parent company of an operator of gambling games within the state of Iowa. No entity shall be licensed for the sole purpose of providing a multilink.

b. Prior to operation of a multilink, the provider shall submit to the administrator for review and approval information sufficient to determine the integrity and security of the multilink. The information must include, but is not limited to, the following:

- (1) Central system site location, specifications, and operational procedures.
- (2) Encryption and method of secured communication over the multilink and between facilities.
- (3) Method and process for obtaining meter data from slot machines on the multilink.
- (4) Disbursement options for jackpot payoffs, including information for periodic payments.

Periodic payment information, including number of payments and time between payments must be displayed as part of the slot machine pay table or prominently displayed on the face of the slot machine.

(5) Jackpot contribution rates, including information sufficient to determine contributions to the jackpot are consistent across all entities participating in the multilink. Any subsequent changes to the contribution rate of a multilink jackpot must be submitted to the administrator for review and approval.

- (6) Jackpot verification procedures.

(7) Jackpot discontinuation procedures, including procedures for distribution of contributions to another jackpot or return of pro rata shares to participating facilities.

c. The provider of the multilink shall, upon request, supply reports and information to the administrator which detail the contributions and economic activity of the system, subject to the following requirements:

(1) Aggregate and detail reports that show both the economic activity of the entire multilink, as well as details of each machine on the multilink.

(2) Upon invoicing a facility, details regarding each machine at the facility and each machine's contribution to the multilink for the period of the invoice shall be supplied, as well as any other details required by the administrator.

d. Concurrent jackpots which occur before the multilink jackpot meters show reset and updated jackpot amounts will be deemed to have occurred simultaneously. Each winner shall receive the full amount shown on the system jackpot meter.

e. The provider must suspend play on the multilink if a communication failure of the system cannot be corrected within 24 consecutive hours.

f. A meter that shows the amount of the system jackpot must be conspicuously displayed at or near the machines to which the jackpot applies. Jackpot meters may show amounts that differ from the actual system jackpot, due to delays in communication between sites and the central system, but meters shall not display an incorrect amount for an awarded jackpot.

g. In calculating adjusted gross receipts, a facility may deduct its pro rata share of the present value of any system jackpots awarded. Such deduction shall be listed on the detailed accounting records supplied by the provider. A facility's pro rata share is based on the amount of coin-in from that facility's machines on the multilink, compared to the total amount of coin-in on the whole system for the time period between awarded jackpots.

h. In the event a facility ceases operations and a progressive jackpot is awarded subsequent to the last day of the final month of operation, the facility may not file an amended wagering tax submission or make a claim for a wagering tax refund based on its contributions to that particular progressive prize pool.

i. The payment of any system jackpot offered on a multilink shall be administered by the provider, and the provider shall have sole liability for payment of any system jackpot the provider administers.

j. The provider shall comply with the following:

(1) A reserve shall be established and maintained by the provider in an amount of not less than the sum of the following amounts:

1. The present value of the amount currently reflected on the jackpot meters of the multilink.
2. The present value of one additional reset (start amount) of the multilink.

(2) For system jackpots disbursed in periodic payments, a provider shall fund the periodic payments within 90 days of the notice of the jackpot award with:

1. Purchase of a qualified investment. A copy of such qualified investment shall be provided to the administrator within 30 days of purchase. Any qualified investment shall have a surrender value at maturity, excluding any interest paid before the maturity date, equal to or greater than the value of the corresponding periodic jackpot payment and shall have a maturity date prior to the date the periodic jackpot payment is required to be made; or

2. A surety bond or an irrevocable letter of credit with an independent financial institution which provides periodic payments to a winner should the establishment default for any reason. The written agreement establishing a surety bond or irrevocable letter of credit shall be submitted to the administrator within 30 days of purchase; or

3. An irrevocable trust with an independent financial institution in accordance with a written trust agreement approved by the administrator which provides periodic payments from an unallocated pool of assets to a group of winners and which shall expressly prohibit the winner from encumbering, assigning or otherwise transferring in any way the winner's right to receive the deferred portion of the winnings except to the winner's estate. The assets of the trust shall consist of federal government securities including but not limited to treasury bills, treasury bonds, savings bonds or other federally guaranteed securities in an amount sufficient to meet the periodic payments as required; or

4. Another irrevocable method of providing the periodic payments to a winning player consistent with the purpose of this subparagraph, and which is approved by the administrator prior to implementation.

(3) The provider shall not be permitted to sell, trade, or otherwise dispose of any periodic payment funding unless approval to do so is first obtained from the administrator.

(4) Upon becoming aware of an event of noncompliance with the terms of the reserve requirement mandated by subparagraph 11.12(8) "j"(1) above, or in the event of nonpayment of a periodic payment directly by the provider, the provider must immediately notify the administrator. An event of noncompliance includes a nonpayment of a jackpot periodic payment or a circumstance which may cause the provider to be unable to fulfill, or which may otherwise impair the provider's ability to satisfy, the provider's jackpot payment obligations.

(5) On a quarterly basis, the provider must deliver to the administrator a calculation of system reserves required under subparagraph 11.12(8) "j"(1) above. The calculation shall come with a certification of financial compliance signed by a duly authorized financial officer of the provider, on a form prescribed by the administrator, validating the calculation.

(6) On an annual basis, the provider must deliver to the administrator updated information sufficient to determine compliance with the funding requirements of all outstanding periodic payments. This shall include an updated listing of all winners showing outstanding periodic payment amounts and any updates to funding documents and agreements. The updated information shall come with a certification of compliance signed by a duly authorized financial officer of the provider.

(7) The reserve required under subparagraph 11.12(8) "j"(1) must be examined by an independent certified public accountant according to procedures approved by the administrator. Two copies of the report must be submitted to the administrator within 90 days after the conclusion of the provider's fiscal year.

(8) The administrator may require additional information or audits at any time to ensure compliance with this paragraph.

k. For system jackpots disbursed in periodic payments, subsequent to the date of the win, a winner may be offered the option to receive, in lieu of periodic payments, a discounted single cash payment in the form of a "qualified prize option," as that term is defined in Section 451(h) of the Internal Revenue Code. The provider shall calculate the single cash payment based on the discount rate. Until the new discount rate becomes effective, the discount rate selected by the provider shall be used to calculate the single cash payment for all qualified prizes that occur subsequent to the date of the selected discount rate.

l. Multilinks to be offered in conjunction with jurisdictions in other states within the United States are permitted. Multistate multilinks are subject to the requirements of this subrule; in addition, any multistate plans or controls are subject to administrator review and approval.

[ARC 7757B, IAB 5/6/09, effective 6/10/09; ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9018B, IAB 8/25/10, effective 9/29/10; ARC 1876C, IAB 2/18/15, effective 3/25/15; ARC 2927C, IAB 2/1/17, effective 3/8/17]

491—11.13(99F) Licensing of manufacturers and distributors of gambling games or implements of gambling.

11.13(1) Impact on gambling. In considering whether a manufacturer or distributor applicant will be licensed or a specific product will be distributed, the administrator shall give due consideration to the economic impact of the applicant's product, the willingness of a licensed facility to offer the product to the public, and whether its revenue potential warrants the investigative time and effort required to maintain effective control over the product.

11.13(2) Licensing standards. Standards which shall be considered when determining the qualifications of an applicant shall include, but are not limited to, financial stability; business ability and experience; good character and reputation of the applicant as well as all directors, officers, partners, and employees; integrity of financial backers; and any effect on the Iowa economy.

11.13(3) Application procedure. Application for a manufacturer's or a distributor's license shall be made to the commission for approval by the administrator. In addition to the application, the following must be completed and presented when the application is filed:

a. Disclosure of ownership interest, directors, or officers of licensees.

(1) An applicant or licensee shall notify the administrator of the identity of each director, corporate officer, owner, partner, joint venture participant, trustee, or any other person who has any beneficial interest of 5 percent or more, direct or indirect, in the business entity. For any of the above, as required

by the administrator, the applicant or licensee shall submit background information on forms supplied by the division of criminal investigation and any other information the administrator may require.

For purposes of this rule, beneficial interest includes all direct and indirect forms of ownership or control, voting power, or investment power held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

(2) For ownership interests of less than 5 percent, the administrator may request a list of these interests. The list shall include names, percentages owned, addresses, social security numbers, and dates of birth. The administrator may request the same information required of those individuals in subparagraph (1) above.

b. Investigative fees.

(1) Advance payment. The department of public safety may request payment of the investigative fee in advance as a condition to beginning investigation.

(2) Payment required. The administrator may withhold final action with respect to any application until all investigative fees have been paid in full.

c. A bank or cashier's check made payable to the Iowa Racing and Gaming Commission for the annual license fee as follows:

(1) A manufacturer's license shall be \$250.

(2) A distributor's license shall be \$1,000.

d. A copy of each of the following:

(1) Articles of incorporation and certificate of incorporation, if the business entity is a corporation.

(2) Partnership agreement, if the business entity is a partnership.

(3) Trust agreement, if the business entity is a trust.

(4) Joint venture agreement, if the business entity is a joint venture.

(5) List of employees of the aforementioned who may have contact with persons within the state of Iowa.

e. A copy of each of the following types of proposed distribution agreements, where applicable:

(1) Purchase agreement(s).

(2) Lease agreement(s).

(3) Bill(s) of sale.

(4) Participation agreement(s).

f. Supplementary information. Each applicant shall promptly furnish the administrator with all additional information pertaining to the application or the applicant which the administrator may require. Failure to supply the information requested within five days after the request has been received by the applicant shall constitute grounds for delaying consideration of the application.

g. Any and all changes in the applicant's legal structure, directors, officers, or the respective ownership interests must be promptly filed with the administrator.

h. The administrator may deny, suspend, or revoke the license of an applicant or licensee in which a director, corporate officer, or holder of a beneficial interest includes or involves any person or entity which would be, or is, ineligible in any respect, such as through want of character, moral fitness, financial responsibility, professional qualifications, or due to failure to meet other criteria employed by the administrator, to participate in gaming regardless of the percentage of ownership interest involved. The administrator may order the ineligible person or entity to terminate all relationships with the licensee or applicant, including divestiture of any ownership interest or beneficial interest at acquisition cost.

i. Disclosure. Disclosure of the full nature and extent of all beneficial interests may be requested by the administrator and shall include the names of individuals and entities, the nature of their relationships, and the exact nature of their beneficial interest.

j. Public disclosure. Disclosure is made for the benefit of the public, and all documents pertaining to the ownership filed with the administrator shall be available for public inspection.

11.13(4) Temporary license certificates.

a. A temporary license certificate may be issued at the discretion of the administrator.

b. Temporary licenses—period valid. Any certificate issued at the discretion of the administrator shall be valid for a maximum of 120 calendar days from the date of issue.

Failure to obtain a permanent license within the designated time may result in revocation of the license eligibility, fine, or suspension.

11.13(5) Withdrawal of application. A written notice of withdrawal of application may be filed by an applicant at any time prior to final action. No application shall be permitted to be withdrawn unless the administrator determines the withdrawal to be in the public interest. No fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.

11.13(6) Record keeping.

a. *Record storage required.* Distributors and manufacturers shall maintain adequate records of business operations, which shall be made available to the administrator upon request. These records shall include:

(1) All correspondence with the administrator and other governmental agencies on the local, state, and federal level.

(2) All correspondence between the licensee and any of its customers who are applicants or licensees under Iowa Code chapter 99F.

(3) A personnel file on each employee of the licensee, including sales representatives.

(4) Financial records of all transactions with facilities and all other licensees under these regulations.

b. *Record retention.* The records listed in 11.13(6)"a" shall be retained as required by 491—subrule 5.4(14).

11.13(7) Violation of laws or regulations. Violation of any provision of any laws of the state or of the United States of America or of any rules of the commission may constitute an unsuitable method of operation, subjecting the licensee to limiting, conditioning, restricting, revoking or suspending the license, or fining the licensee, or any combination of the above.

11.13(8) Consent to inspections, searches, and seizures. Each manufacturer or distributor licensed under this chapter shall consent to inspections, searches, and seizures deemed necessary by the administrator and authorized by law in order to enforce licensing requirements.

These rules are intended to implement Iowa Code chapter 99F.

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[Filed ARC 3608C (Notice ARC 3434C, IAB 11/8/17), IAB 1/31/18, effective 3/7/18]

CHAPTER 12 ACCOUNTING AND CASH CONTROL

491—12.1(99F) Definitions.

“*Casino*” means all areas of a facility where gaming is conducted.

“*Coin*” means tokens, nickels, and quarters of legal tender.

“*Commission*” means the racing and gaming commission.

“*Container*” means:

1. A box attached to a gaming table in which shall be deposited all currency in exchange for gaming chips, fill and credit slips, requests for fill forms, and table inventory forms.

2. A canister in a slot machine cabinet in which currency is retained by slot machines and not used to make change or automatic jackpot payouts.

“*Count room*” means an area in the facility where contents of containers are counted and recorded.

“*Currency*” means any coin or paper money of legal tender and paper forms of cashless wagering.

“*Drop*” means removing the containers from the casino to the count room.

“*Facility*” means an entity licensed by the commission to conduct gaming operations in Iowa.

“*Hopper*” means a payout reserve container in which coins are retained by a slot machine to automatically pay jackpots.

“*Internal controls*” means the facility’s system of internal controls.

“*Request*” means a request for credit slip, request for fill slip, or request for jackpot payout slip.

“*Slip*” means a credit slip, fill slip, or jackpot payout slip.

“*Slot machine*” means a mechanical or electronic gambling game device into which a player may deposit currency or other forms of cashless wagering and from which certain numbers of credits are awarded when a particular configuration of symbols or events is displayed on the machine.

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—12.2(99F) Accounting records.

12.2(1) Each facility shall maintain complete and accurate records of all transactions pertaining to revenues and costs.

12.2(2) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on an accrual basis.

12.2(3) Detailed, supporting, and subsidiary records shall be maintained. The records shall include, but are not limited to:

a. Statistical game records by gaming day to reflect drop and win amounts by table for each game.

b. Records of all investments, advances, loans, and receivable balances due the facility.

c. Records related to investments in property and equipment.

d. Records which identify the handle, payout, win amounts and percentages, theoretical win amounts and percentages; and differences between theoretical and actual win amounts and percentages for each slot machine on a week-to-date, month-to-date, and year-to-date basis.

e. Records of all loans and other amounts payable by the facility.

f. Records that identify the purchase, receipt, and disposal of gaming chips and tokens. All methods of disposal are subject to administrator approval.

12.2(4) Whenever forms or serial numbers are required to be accounted for or copies of forms are required to be compared for agreement and exceptions are noted, irreconcilable gambling revenue exceptions shall be reported immediately and in writing to the commission. All other exceptions shall be recorded in a log, accessible to commission representatives, maintained according to the requirements in 491—subrule 5.4(14).

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9018B, IAB 8/25/10, effective 9/29/10]

491—12.3(99F) Facility internal controls.

12.3(1) Each facility shall submit a description of internal controls to the commission. The submission shall be made at least 90 days before gaming operations are to commence unless otherwise directed by the administrator. The submission shall include and provide for the following:

a. Administrative control that includes, but is not limited to, the plan of organization and the procedures and records that are concerned with the decision processes leading to management's levels of authorization of transactions.

b. Accounting control that includes the plan of organization and the procedures and records that are concerned with the safeguarding of assets and the reliability of financial records. The accounting control shall be designed to provide reasonable assurance that:

(1) Transactions are executed in accordance with management's general and specific authorization, which shall be consistent with the requirements of this chapter.

(2) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles and to maintain accountability for assets.

(3) Access to assets is permitted only in accordance with management authorization, which shall be consistent with the requirements of this chapter.

(4) The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

c. Competent personnel with integrity and an understanding of prescribed internal controls.

d. The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of the employee's duties.

e. Surveillance internal controls that include:

(1) Surveillance departments that shall be operated in an autonomous fashion, as separate and distinct entities from all other departments. A gaming facility's organizational structure shall place the director of the surveillance department directly under the span of control and authority of the operator's board of directors or appropriate parent company executive where practical. Under no circumstances will the director of surveillance report to or take direction from any authority at a level below the general manager.

(2) Administration of the network for the purpose of utilizing and transmitting live or recorded views or images of a video surveillance system for asset protection, loss prevention, investigation of tort/liability claims, game protection, employee oversight, resolution of patron disputes, corporate governance, management analysis, or other use consistent with a licensee's statutory responsibilities as approved by the administrator.

f. Game control, including but not limited to procedures for the storage, removal and record of implements of gambling. The gaming control shall be designed to document:

(1) Access to implements of gambling not in use.

(2) Method for removal of implements of gambling from an active gambling game.

(3) Procedures governing the record of total inventory of implements of gambling, documenting both additions to and removal from storage and active use.

g. Preverified card control, for use with cards approved pursuant to 491—subrule 11.7(9). Controls shall be designed to document:

(1) The procedure governing inspection of the packaging when the cards are put into use on a live table game, including verification of the tamper-evident seal and review of the manufacturer-generated receipt for relevant details.

(2) The procedure for employee breaking of the tamper-evident seal to sign the receipt with name, time the package is being placed in use, and specific table where the package is being used.

(3) The procedure to retain the receipt and the details of use.

(4) Any additional procedures that will be used to verify or randomize preverified cards prior to play.

12.3(2) A commission representative shall review each submission required by subrule 12.3(1) and determine whether it conforms to the requirements of Iowa Code chapter 99F and is consistent with the intent of this chapter and whether the internal controls submitted provide adequate and effective control for the operations of the facility. If the commission representative finds any insufficiencies, the insufficiencies shall be specified in writing to the facility, which shall make appropriate alterations. No facility shall commence gaming operations unless and until the internal controls are approved.

12.3(3) Each facility shall submit to the commission any changes to the internal controls previously approved at least 15 days before the changes are to become effective unless otherwise directed by a commission representative. The proposed changes shall be submitted to the commission and the changes may be approved or disapproved by the commission representative. No facility shall alter its internal controls until the changes are approved.

12.3(4) It shall be the affirmative responsibility and continuing duty of each occupational licensee to follow and comply with all internal controls.

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9018B, IAB 8/25/10, effective 9/29/10; ARC 2927C, IAB 2/1/17, effective 3/8/17]

491—12.4(99F) Accounting controls within the cashier's cage.

12.4(1) The assets for which the cashiers are responsible shall be maintained on an imprest basis. At the end of each shift, the cashiers assigned to the outgoing shift shall record on a cashier's count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory.

12.4(2) At the conclusion of gaming activity each gaming day, a copy of the cashiers' count sheets and related documentation shall be forwarded to the accounting department for agreement of opening and closing inventories; agreement of amounts thereon to other forms, records, and documents required by this chapter; and the recording of all transactions.

12.4(3) Each facility shall place on file with the commission the names of all persons authorized to enter the cashier's cage and persons who possess the combination or keys to the locks securing the entrance to the cage.

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 3608C, IAB 1/31/18, effective 3/7/18]

491—12.5(99F) Gaming table container. Each gaming table in a casino shall have attached to it a container.

12.5(1) Each container shall have:

a. A lock securing the contents of the container, the key to which shall be logged out by the count team.

b. A separate lock securing the container to the gaming table, the key to which shall be different from the key in paragraph 12.5(1) "a" and shall be logged out by the drop team, count team, or emergency drop personnel pursuant to subrule 12.13(1).

c. A slot opening through which currency, forms, records, and documents can be inserted.

d. A mechanical device that will close and lock the slot opening upon removal of the container from the gaming table.

12.5(2) Keys referred to in this rule shall be maintained and controlled in a secured area by the security department. The facility shall establish a sign-out procedure for all keys removed from the secured area.

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9018B, IAB 8/25/10, effective 9/29/10]

491—12.6(99F) Accepting currency at gaming tables. Whenever currency is presented by a patron at a gaming table in exchange for gaming chips, the following procedures and requirements shall be observed:

12.6(1) The dealer or boxpersion accepting the currency shall spread the currency on the top of the gaming table.

12.6(2) The dealer or boxpersion shall verbalize the currency value in a tone of voice necessary to be heard by the patron and the casino supervisor assigned to the gaming table.

12.6(3) The dealer or boxpersion shall take the currency from the top of the gaming table and place it into the container immediately after verbalizing the amount.

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—12.7(99F) Procedures for the movement of gaming chips to and from gaming tables.

12.7(1) Slips. Each slip shall be sequentially numbered, shall be simultaneously printed in two or three copies, and shall discharge in the cashier's cage. Casino supervisors or casino clerks shall input data for each slip, and each prepared copy shall contain the following information:

- a. The type of transfer.
- b. The sequentially ordered slip number.
- c. The date and time of preparation.
- d. The total amount of each denomination.
- e. The total amount of all denominations.
- f. The game and table number.

12.7(2) Distribution of chips to a gaming table. On receipt of a slip in the cashier's cage for distribution of gaming chips to a table, the following procedures shall apply:

a. A cashier shall prepare the gaming chips and sign all copies of the slip attesting to the accuracy of the totals.

b. A security employee, or other employee authorized by the internal controls, shall compare the slip to the gaming chips prepared and sign all copies of the slip attesting to the accuracy. One copy of the slip shall remain with the cashier, if applicable, while two copies are transported with the gaming chips to the gaming table.

c. The dealer or boxperson assigned to the gaming table and the casino supervisor assigned to the gaming table shall sign all copies of the slip attesting to the accuracy of the fill.

d. Upon verification and placement of the gaming chips, the employee responsible for transporting the chips to the gaming table shall observe as the dealer or boxperson places one copy of the slip in the container of the gaming table. The employee shall then transport the remaining copy of the slip to the cashier's cage to be maintained and controlled by a cashier.

12.7(3) Removal of chips from a gaming table. On receipt of a slip in the cashier's cage for removal of gaming chips from a table, the following procedures shall apply:

a. A security employee, or other employee authorized by the internal controls, shall transfer all copies of the slip to the gaming table.

b. The dealer or boxperson assigned to the gaming table and the casino supervisor assigned to the gaming table shall prepare the removal and sign all copies of the slip attesting to the accuracy.

c. The security employee, or other employee authorized by internal controls, shall compare the slip to the gaming chips prepared and sign all copies of the slip attesting to the accuracy.

d. One copy of the slip shall be immediately placed in the container of the gaming table from which the gaming chips were removed.

e. The security employee, or other employee authorized by internal controls, shall transport the chips and the remaining copy of the slip to the cashier's cage.

f. The cashier shall compare this copy of the slip to the gaming chips received and shall sign the copy attesting to the accuracy. This copy of the slip shall be maintained and controlled by the cashier.

12.7(4) Slip reconciliation. At the end of each gaming day, copies of each of the slips maintained by the cashier's cage shall be forwarded to the accounting department for agreement with the copies of the slips obtained by the count team from the gaming table containers. Copies shall also be compared for agreement with the stored data.

12.7(5) Stored data. All information required by subrule 12.7(1) shall be stored in machine-readable format. The stored data shall not be susceptible to change or removal by any personnel after preparation of a slip.

12.7(6) Manual process. In the event the online monitoring and control system is unavailable, the facility staff shall perform transfers of gaming chips to and from gaming tables using manual requests and slips.

a. Requests shall be prepared by the casino supervisor or casino clerk. For the distribution of chips to the gaming table, the request shall be signed by the security employee, or other employee authorized by the internal controls, and shall be left with the cashier prior to the transfer of gaming chips and slips required by paragraph 12.7(6) "b." For the removal of chips from the gaming table, the request shall

be signed at the gaming table by the security employee, or other employee authorized by the internal controls, prior to the transfer of gaming chips and slips required by paragraph 12.7(6) "b" and shall be placed in the container when the slip signed by the cashier has been returned to the gaming table.

b. Slips shall be prepared by cashiers in the cage using a three-part serially prenumbered form in a locked dispenser. The dispenser shall discharge two copies of the slip that have been filled out and signed by the cashier and shall retain the third copy in a continuous form in the dispenser. The same procedures shall be followed and the same set of signatures shall be utilized as required by subrules 12.7(2) and 12.7(3).

c. The copies remaining in the dispenser shall be removed each gaming day where a manual process had to be performed for gaming chip movements and to replace the stored data used pursuant to subrule 12.7(4). Access to the locked dispenser shall be maintained and controlled by independent employees responsible for accounting for the unused slips, placing slips in the dispensers, and removing slips from the dispensers.

12.7(7) Modifications. Modifications to the procedures described in subrules 12.7(2), 12.7(3), and 12.7(4) may be substituted as internal controls, subject to the approval process of subrule 12.3(2), if the procedures comply with the intent of this rule.

12.7(8) Voided transactions. Whenever it becomes necessary to void a slip, all copies shall be clearly marked "void" and shall require the signature of the preparer. All void slips shall be maintained and controlled in conformity with subrules 12.7(2), 12.7(3), and 12.7(5).

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 1876C, IAB 2/18/15, effective 3/25/15]

491—12.8(99F) Dropping or opening a gaming table.

12.8(1) The table inventory slips shall be a two-part form, a "closer" and an "opener," containing the following:

- a. The date and time of preparation.
- b. The game and table number.
- c. The total value of each denomination of gaming chips.
- d. The total value of all denominations of gaming chips.

12.8(2) Whenever a gaming table is dropped or upon initial opening after a drop, the gaming chips at the gaming table shall be counted by the dealer or boxpersion assigned to the gaming table while observed by a casino supervisor assigned to the gaming table.

12.8(3) Signatures attesting to the accuracy of the information recorded on the table inventory slips at the time of dropping or opening of the gaming tables shall be of the dealer or boxpersion and the casino supervisor assigned to the gaming table who observed the dealer or boxpersion count the contents of the table inventory.

12.8(4) Upon meeting the signature requirements described in subrule 12.8(3):

a. The closer, at dropping, shall be deposited in the container immediately prior to the closing of the table. The opener and the gaming chips remaining at the table shall be placed in a secured, locked area on the table.

b. The opener, at opening, shall be immediately deposited in the container.

12.8(5) Upon opening a gaming table, if the totals on the gaming inventory form vary from the opening count, the casino supervisor shall fill out an error notification slip. The casino supervisor and dealer or boxpersion shall sign the error notification slip and deposit the slip in the container.

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—12.9(99F) Slot machine container and key. Each slot machine shall have a container(s) that is housed in a locked compartment(s) separate from any other compartment of the slot machine.

12.9(1) Each container shall:

a. Have a lock securing the contents of the container, the key to which shall be logged out by the count team or employees authorized by the internal controls to address container malfunction issues.

b. Have a lock to each compartment securing the container to the slot machine, the key to which shall be different from the key in paragraph 12.9(1)"a" and shall be logged out by the drop team,

employees authorized by the internal controls to address container malfunction issues, or employees transporting container(s) according to rule 491—12.13(99F).

c. Be identified at the time of removal by a number corresponding to the number of the slot machine from which the container is removed.

12.9(2) Keys referred to in subrule 12.9(1) shall be maintained and controlled by the security department in a secured area. The facility shall establish a log-out procedure for all keys removed from the secured area.

12.9(3) Other keys to each slot machine or any device connected thereto which may affect the operation of the slot machine shall be maintained in a secure place and controlled by the slot department.
[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9018B, IAB 8/25/10, effective 9/29/10]

491—12.10(99F) Procedures for hopper fills and attendant payouts.

12.10(1) *Slips.* Each slip shall be sequentially numbered, and two copies shall be simultaneously printed. An employee authorized by the internal controls shall input data for each slip, and each prepared copy shall contain the following information:

- a. The type of transaction.
- b. The sequentially ordered slip number.
- c. The date and time of preparation.
- d. For attendant payouts, the amount to be paid and the cage location from which the amount is to be paid.
- e. For jackpots, the winning combination to be paid.
- f. For hopper fills, the denomination and amount of currency to be distributed.

12.10(2) *Hopper fills.* A slip shall be prepared by a person authorized by the internal controls whenever a slot machine fill is required. On receipt or preparation of a slip in the cashier's cage, the following procedures shall apply:

- a. The cashier, upon providing the coins to an employee authorized by the internal controls, shall sign all copies of the slip attesting to the accuracy of the amount provided and the information contained on the slip.
- b. The employee authorized by the internal controls, upon receipt of the coins, shall sign all copies of the slip and transport the coins and one copy of the slip to the slot machine. The remaining copy shall remain with the cashier.
- c. An additional employee authorized by the internal controls, other than the employees listed in paragraphs 12.10(2) "a" and 12.10(2) "b," shall observe the deposit of the coins into the slot machine hopper and the closing and locking of the slot machine door. This employee shall then sign the copy of the slip at the slot machine.
- d. Upon completion of the fill, the copy of the slip at the slot machine shall be deposited in a secure area controlled by the accounting department.

12.10(3) *Attendant payouts.* Whenever a patron wins a jackpot or has accumulated credits not totally and automatically paid directly from a slot machine, a slip shall be prepared by a person authorized by the internal controls. On receipt or preparation of a slip for an attendant payout in the cashier's cage, the following procedures shall apply:

- a. The cashier, upon providing the payment to an employee authorized by the internal controls, shall sign all copies of the slip attesting to the accuracy of the amount provided and the information contained on the slip.
- b. The employee authorized by the internal controls, upon receipt of the payment, shall sign all copies of the slip and transport the payment and one copy of the slip to the slot machine. The remaining copy of the slip shall remain with the cashier.
- c. An additional employee authorized by the internal controls, other than the employees listed in paragraphs 12.10(3) "a" and 12.10(3) "b," shall observe the payment of the patron. For jackpots, the employee shall verify the symbols on the slot machine. For jackpots in excess of \$10,000, the employee shall be a supervisor or higher authority. In either case, the employee shall then sign the copy of the slip at the slot machine.

d. Upon completion of the payout, the copy of the slip at the slot machine shall be deposited in a secure area controlled by the accounting department.

e. For a slot machine jackpot in excess of \$100,000, a facility shall notify a commission representative in accordance with the immediate notification process established by 491—subrule 5.4(5).

12.10(4) Overrides. System overrides shall be authorized by a slot supervisor or an employee authorized by the internal controls. This employee shall not perform the duties and signature requirements of subrules 12.10(2) and 12.10(3) in any transaction where the employee authorizes a system override. In addition to the signature requirements of subrules 12.10(2) and 12.10(3), the signature of the authorizing employee shall be on all copies of the slip.

12.10(5) Slip reconciliation. At the end of each gaming day, copies of the slip retained by the cashier’s cage shall be forwarded to the accounting department for agreement with the copies of the slips deposited in the area controlled by the accounting department and for recording on the slot win sheet. Copies shall also be compared for agreement with the stored data.

12.10(6) Stored data. All information required by subrule 12.10(1) shall be stored in the online monitoring and control system in machine-readable format. The stored data shall not be susceptible to change or removal by any personnel after preparation of the slip.

12.10(7) Modifications. Modifications to the procedures described in subrules 12.10(2) to 12.10(5) may be substituted as internal controls, subject to the approval process of subrule 12.3(2), if the procedures comply with the intent of this rule.

12.10(8) Manual process. In the event the online monitoring and control system is unavailable, the facility staff shall perform hopper fills and manual payouts using manual slips. Manual slips shall be three-part serially prenumbered forms. For use of manual slips, the following shall apply:

a. Slips shall be placed in a locked dispenser. Once prepared, the dispenser shall discharge two copies of the slip, while retaining the third copy in a continuous form. They shall be prepared in the cashier’s cage at the request of an employee authorized by the internal controls. Procedures for the two dispensed copies shall follow subrules 12.10(2) and 12.10(3).

b. The copies remaining in the dispenser shall be removed each gaming day where a manual process had to be performed for hopper fills or manual payouts and to replace the stored data used pursuant to subrule 12.10(5). Access to the locked dispenser shall be maintained and controlled by independent employees responsible for accounting for the unused slips, placing slips in the dispensers, and removing slips from the dispensers.

12.10(9) Voided transactions. Whenever it becomes necessary to void a slip, all the copies shall be clearly marked “void” and shall require the signature of the preparer. All void slips shall be maintained and controlled in conformity with subrules 12.10(2) to 12.10(5).

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—12.11(99F) Attendant and ticket payout accounting.

12.11(1) Attendant payouts. Under this rule, unless otherwise subject to Iowa Code chapter 556, jackpots and accumulated credits paid by a slip that are unpaid or unclaimed at the close of a facility’s fiscal year shall be disallowed as a deduction from gross receipts for the calculation of adjusted gross revenue for the wagering tax. A facility shall make this adjustment to revenue within 90 days of the close of the facility’s fiscal year.

12.11(2) Ticket payouts. Payouts dispensed by a ticket issued directly from a gaming device must have a minimum payout redemption period of 90 days from the date of issuance.

a. Notwithstanding 491—subrule 5.4(14), an issued ticket redeemed for cash or deposited in a slot machine for machine credits shall be retained for a minimum of 90 days from the redemption date. The ticket may be subsequently destroyed if record of the transaction is retrievable by other means.

b. At the close of the facility’s fiscal year, tickets issued in previous fiscal years and tickets with expired redemption periods that remain outstanding and unredeemed are subject to the requirements of subrule 12.11(1).

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—12.12(99F) Computer recording requirements and monitoring of slot machines.

12.12(1) A facility shall have an online monitoring and control system connected to each slot machine in the casino to record and monitor the slot machine's activities.

12.12(2) The online monitoring and control system shall be designed and operated to automatically perform the functions relating to slot machine meters in the casino as follows:

- a. Record the number and total of currency placed in the slot machine for the purpose of activating play.
- b. Record the number and total of currency in the container(s).
- c. Record the number and total of currency to be paid manually as the result of a jackpot.
- d. Record the electronic meter information required by 491—paragraph 11.10(2) “c.”

12.12(3) The online monitoring and control system shall monitor and detect machine exception codes and error messages as required by 491—paragraph 11.10(2) “d.”

12.12(4) The online monitoring and control system shall store in machine-readable form all information required by subrules 12.12(2) and 12.12(3), and the stored data shall not be susceptible to change or removal.

12.12(5) The licensee shall maintain a current log, accessible to commission representatives, of all changes and updates made to the online monitoring and control system that affect any part of the system's message digest. These changes and updates shall be approved as required by 491—subrule 11.4(1).
[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9018B, IAB 8/25/10, effective 9/29/10]

491—12.13(99F) Transportation of containers.

12.13(1) Each facility shall place on file with a commission representative a schedule setting forth the specific times at which the containers will be brought to or removed from the gaming tables or slot machines for transport to the count room. An emergency drop that deviates from the schedule shall be permissible for instances of full containers or container malfunctions provided that representatives from the security department and another department conduct the drop and the process is recorded by the surveillance department from the time of machine entry until the container is secured in the count room or other approved secure location. The commission representative shall be notified after each occurrence.

12.13(2) A security employee shall accompany and observe the drop team. For table games, all containers removed from the gaming tables shall be transported by a security employee and a table game supervisor.

12.13(3) All containers removed from slot machine cabinets shall:

- a. Be removed by a drop team wearing uniforms or outer garments as required by subrule 12.15(2).
- b. Be replaced immediately with an empty container that shall be secured in the cabinet.

12.13(4) All containers removed shall be transported directly to, and secured in, the count room or in a secure area within the facility until the containers can be transferred to the count room.

12.13(5) Empty containers not secured to the gaming tables or slot machine compartment shall be stored in the count room or an approved secured location. Empty containers may be removed from the count room or secured area for repair or destruction provided the surveillance department is notified and the inside of the container is held up to the full view of a closed circuit television camera prior to removal.
[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 9018B, IAB 8/25/10, effective 9/29/10]

491—12.14(99F) Count room—characteristics.

12.14(1) Each facility shall have a count room that shall:

- a. Be designed and constructed to provide maximum security for materials housed within and the activities conducted therein.
- b. Have an alarm device connected to the entrance of the room that causes a signaling to the monitors of the closed circuit surveillance system and to the commission representative's office whenever the door to the room is opened.
- c. Have, if currency is counted within the count room, a count table constructed of clear glass or similar material for the emptying, counting, and recording of the contents of containers.

12.14(2) All room keys shall be maintained and controlled in a secured area by the security department. The facility shall establish a sign-out procedure for all keys removed from the secured area.
[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—12.15(99F) Opening, counting, and recording contents of containers in the count room.

12.15(1) Each facility shall file with a commission representative the specific times and procedures for opening, counting, and recording the contents of containers.

12.15(2) All persons present in the count room during the counting process, unless expressly exempted by a commission representative, shall wear a full-length, one-piece, pocketless outer garment with openings only for the arms, feet, and neck that extends over any other garments and covers the tops of any footwear.

12.15(3) Persons shall not:

- a. Carry a pocketbook or other container into the count room, unless it is transparent.
- b. Remove their hands from or return them to a position on or above the count table unless the backs and palms of the hands are first held straight out and exposed to the view of other members of the count team and the closed circuit surveillance camera.

12.15(4) Requirements for conducting the count.

a. Immediately prior to the commencement of the count, the count team shall notify the person assigned to the surveillance room that the count is about to begin, after which the surveillance department shall make a video recording with the time and date inserted thereon of the entire counting process.

b. Prior to counting the contents of the containers, the doors to the count room shall be locked and no person shall be permitted to enter or leave the count room, except during an emergency or on scheduled breaks, until the entire counting, recording, and verification process is completed. During this time, a commission representative shall have unrestricted access.

c. When a container is placed on a count table or coin scale, the count team shall ensure that the table or machine number associated with a container is identified to the surveillance department.

d. A machine may be used to automatically count the contents of a container.

e. The contents of each container shall be emptied on the count table or coin scale and either manually counted separately on the count table or counted in an approved currency counting machine located in a conspicuous location on, near, or adjacent to the count table or coin scale. These procedures shall at all times be conducted in full view of the closed circuit surveillance cameras located in the count room.

f. Immediately after the contents of a container are emptied onto the count table or coin scale, the inside of the container shall be held up to the full view of a closed circuit surveillance camera and shall be shown to at least one other count team member to ensure all contents of the container have been removed and, if applicable, the container shall then be locked. By the end of the count process, empty containers shall be secured in a container cart or an area separate from uncounted containers.

g. If the original count is being performed by a machine that automatically counts and records the amounts of the contents of each individual container, an aggregate count may be permitted in substitution of a second container count.

h. For manually counted containers:

(1) The count team members shall place the contents of each container into separate stacks on the count table by denomination of currency and by type of form, record, or document, except that a machine may be used to automatically sort currency by denomination.

(2) Each denomination of currency shall be counted separately by one count team member who shall group currency of the same denomination on the count table in full view of a closed circuit surveillance camera. The currency shall then be counted by a second count team member who is unaware of the result of the original count. The second count team member, after completing this count, shall confirm the accuracy of the total, either orally or in writing, with that reached by the first count team member.

12.15(5) Table games.

a. As the contents of each container from a table game are counted, one count team member shall record the following information by game, table number, date, and time on a master game report or supporting documents:

- (1) The amount of each denomination of currency.
- (2) The amount of all denominations of currency.
- (3) The total amounts of currency.
- (4) The total amount of gaming chips.
- (5) The amount of the opener.
- (6) The amount of the closer.
- (7) The serial number and amount of each fill.
- (8) The amount of all fills.
- (9) The serial number and amount of each credit.
- (10) The amount of all credits.
- (11) The win or loss.

b. After the contents of each container are counted and recorded, one member of the count team shall record by game on the master game report the total amounts of currency, table inventory slips, fills, credits, and win or loss together with any other required information.

c. Notwithstanding the requirements of paragraphs 12.15(5) "a" and "b," if the internal controls allow for the recording of fills, credits, and table inventory slips on the master game report or supporting documents prior to commencement of the count, a count team member shall compare for agreement the totals of the amounts recorded thereon to the fills, credits, and table inventory slips removed from the containers.

d. After preparation of the master game report, each count team member shall sign the report attesting to the accuracy of the information contained thereon.

e. Currency and gaming chips shall not be removed from the count room after commencement of the count until the total has been verified and accepted by a cashier. At the conclusion of the count, all currency and gaming chips removed from the containers shall be counted by a cashier in the presence of a count team member prior to having access to the information recorded on the master game report. The cashier shall attest to the accuracy of the amount received from the gaming tables by signature on the master game report, after which a count team member shall sign the master game report evidencing the fact that both the cashier and count team have agreed on the total counted. The verified funds shall then remain in the custody of the cashier.

f. After the master game report has been signed, the requests, slips, and table inventory slips removed from the containers shall be attached. The report, with attachments, shall then be transported directly to the accounting department or shall be maintained in locked storage until the master game report can be delivered to the accounting department. Upon meeting the signature requirements described in paragraph 12.15(5) "e," the report shall not be available to any cashier's cage personnel.

g. Unless the internal controls provide for the forwarding of the original requests and original slips from the cashier's cage directly to the accounting department, the original requests and original slips recorded or to be recorded on the master game report shall be transported from the count room directly to the accounting department.

h. The originals and copies of the master game report, requests, slips, table inventory slips, and the test receipts from the currency counting equipment shall, on a gaming day basis in the accounting department, be:

- (1) Compared for agreement with each other on a test basis if the originals are received from the count room by persons with no recording responsibilities and, if applicable, to copies remaining in the dispenser or stored data.
- (2) Reviewed for the appropriate number and propriety of signatures on a test basis.
- (3) Accounted for by series numbers, if applicable.
- (4) Verified for proper calculation, summarization, and recording.
- (5) Recorded.
- (6) Maintained and controlled by the accounting department as a permanent accounting record.

12.15(6) Slot machines.

a. Currency shall not be removed from the count room after commencement of the count until the currency total has been verified and accepted by a cashier. At the conclusion of the count, all currency removed from the containers shall be counted by a cashier in the presence of a count team member prior to the recording of information on the slot drop sheet. The cashier shall attest to the accuracy of the amount of currency received from the slot machines by signature on the slot drop sheet, after which a count team member shall sign the slot drop sheet evidencing the fact that both the cashier and count team have agreed on the total amount of currency counted. The verified funds shall remain in the custody of the cashier.

b. The slot drop sheet and supporting documents shall be transported directly to the accounting department and shall not be available, except for signing, to any cashier's cage or slot personnel or shall be maintained in locked storage until they can be delivered to the accounting department.

c. The preparation of the slot drop sheet shall be completed by accounting employees as follows:

(1) Compare the amount of currency counted and the drop meter reading for agreement for each slot machine.

(2) Record the hopper fills for each slot machine.

(3) Record for each slot machine the payouts and compare for agreement the payouts to the manual jackpot meter reading recorded on the slot meter sheet.

(4) Calculate and record the win or loss for each slot machine.

(5) Explain and report for corrections of apparent meter malfunctions to the slot department all significant differences between meter readings and amounts recorded.

(6) Calculate statistics by slot machine.

d. The slot drop sheet, the slot meter sheet, payouts, and hopper fills shall be:

(1) Compared for agreement with each other and to copies or stored data on a test basis.

(2) Reviewed for the appropriate number and propriety of signatures on a test basis.

(3) Accounted for by series numbers, if applicable.

(4) Verified for proper calculation, summarization, and recording.

(5) Recorded.

(6) Maintained and controlled by accounting department employees.

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PUBLIC HEALTH DEPARTMENT[641]

Rules of divisions under this department “umbrella” include Professional Licensure[645], Dental Board[650], Medical Board[653], Nursing Board[655] and Pharmacy Board[657]

CHAPTER 1 **REPORTABLE DISEASES, POISONINGS AND CONDITIONS, AND** **QUARANTINE AND ISOLATION**

- | | |
|--|--|
| 1.1(139A) | Definitions |
| 1.2(139A) | Purpose and authority |
| REPORTABLE COMMUNICABLE AND INFECTIOUS DISEASES | |
| 1.3(139A,141A) | Reportable communicable and infectious diseases |
| 1.4(135,139A) | Reporting of reportable communicable and infectious diseases |
| REPORTABLE POISONINGS AND CONDITIONS—NONCOMMUNICABLE | |
| 1.5(139A,135) | Reportable poisonings and conditions |
| 1.6(135,139A) | Reporting poisonings and conditions |
| INVESTIGATION | |
| 1.7(135,139A) | Investigation of reportable diseases |
| ISOLATION AND QUARANTINE | |
| 1.8(139A) | Isolation and quarantine |
| 1.9(135,139A) | Quarantine and isolation |
| 1.10 and 1.11 | Reserved |
| 1.12(135,137,139A) | Quarantine and isolation—model rule for local boards |
| 1.13(135,139A) | Area quarantine |
| SPECIFIC NONCOMMUNICABLE CONDITIONS | |
| 1.14(139A) | Cancer |
| 1.15(144) | Congenital and inherited disorders |
| 1.16(139A) | Agriculturally related injury |
| CONFIDENTIALITY | |
| 1.17(139A,22) | Confidentiality |
| STATE HYGIENIC LABORATORY | |
| 1.18(135,139A) | Specimens for which the fee charged by the state hygienic laboratory shall be waived |

CHAPTER 2 **HEPATITIS PROGRAMS**

- | | |
|--|---|
| VIRAL HEPATITIS PROGRAM—VACCINATIONS AND TESTING | |
| 2.1(135) | Definitions |
| 2.2(135) | Purpose |
| 2.3(135) | Exposure risks for hepatitis C virus |
| 2.4(135) | Information for public distribution |
| 2.5(135) | Hepatitis vaccination and testing program |
| 2.6 to 2.8 | Reserved |
| HEPATITIS C AWARENESS PROGRAM—VETERANS | |
| 2.9(135) | Definitions |
| 2.10(135) | Purpose |
| 2.11(135) | Awareness materials |
| 2.12(135) | Awareness information |
| 2.13(135) | Resources for hepatitis follow-up and treatment |

CHAPTER 3
EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM

EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM

- 3.1(135) Definitions
- 3.2(135) Purpose
- 3.3(135) Goal and outcomes
- 3.4(135) Program components
 - 3.5(135) Screening the hearing of all newborns
 - 3.6(135) Procedures required of birthing hospitals
 - 3.7(135) Procedures required of birth centers
 - 3.8(135) Procedures to ensure that children born in locations other than a birth center or birthing hospital receive a hearing screening
 - 3.9(135) Reporting hearing screening results and information to the department and child's primary care provider
 - 3.10(135) Conducting and reporting screening results and diagnostic audiologic assessments to the department and child's primary care provider
 - 3.11(135) Sharing of information and confidentiality
 - 3.12 Reserved
 - 3.13(135) Procedure to accommodate parental objection
 - 3.14(135) Civil/criminal liability
 - 3.15(135) Early hearing detection and intervention advisory committee
 - 3.16 Reserved

HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM

- 3.17(83GA,HF811) Eligibility criteria
- 3.18(83GA,HF811) Covered services
- 3.19(83GA,HF811) Application procedures
- 3.20(83GA,HF811) Hearing aids and audiology services funding wait list
- 3.21(83GA,HF811) Reimbursement of providers
- 3.22(83GA,HF811) Appeals

CHAPTER 4
CENTER FOR CONGENITAL AND INHERITED DISORDERS

- 4.1(136A) Program overview
- 4.2(136A) Definitions
- 4.3(136A) Iowa newborn screening program (INSP)
- 4.4(136A) Iowa maternal prenatal screening program (IMPSP)
- 4.5(136A) Regional genetic consultation service (RGCS)
- 4.6(136A) Neuromuscular and other related genetic disease program (NMP)
- 4.7(136A) Iowa registry for congenital and inherited disorders (IRCID)
- 4.8(135) Iowa's early hearing detection and intervention program
- 4.9 and 4.10 Reserved

CENTER FOR CONGENITAL AND INHERITED DISORDERS ADVISORY COMMITTEE (CIDAC)

- 4.11(136A) Purpose
- 4.12(136A) Duties of the committee
- 4.13(136A) Membership
- 4.14(136A) Meetings

**CHAPTER 5
MATERNAL DEATHS**

- 5.1(135) Reporting of maternal deaths
5.2(135) Ascertainment of maternal deaths
5.3(135) Reviewing of maternal deaths

**CHAPTER 6
Reserved**

CHAPTER 7

**IMMUNIZATION AND IMMUNIZATION EDUCATION: PERSONS ATTENDING ELEMENTARY
OR SECONDARY SCHOOLS, LICENSED CHILD CARE CENTERS OR INSTITUTIONS OF
HIGHER EDUCATION**

- 7.1(139A) Definitions
7.2(139A) Persons included
7.3(139A) Persons excluded
7.4(139A) Required immunizations
7.5(139A) Required education
7.6(139A) Proof of immunization
7.7(139A) Provisional enrollment
7.8(139A) Records and reporting
7.9(139A) Providing immunization services
7.10(139A) Compliance
7.11(22) Statewide registry
7.12(22) Release of immunization and health screening information

**CHAPTER 8
IOWA CARE FOR YOURSELF (IA CFY) PROGRAM**

- 8.1(135) Definitions
8.2(135) Components of the Iowa care for yourself (IA CFY) program
8.3(135) Participant eligibility criteria
8.4(135) Participant application procedures for IA CFY program services
8.5(135) Priority for program expenditures
8.6(135) Right to appeal
8.7(135) Verification for the breast or cervical cancer treatment (BCCT) option of Medicaid

**CHAPTER 9
OUTPATIENT DIABETES EDUCATION PROGRAMS**

- 9.1(135) Scope
9.2(135) Definitions
9.3(135) Powers and duties
9.4(135) Application procedures for American Diabetes Association-recognized and American Association of Diabetes Educators-accredited programs
9.5(135) Renewal procedures for American Diabetes Association-recognized and American Association of Diabetes Educators-accredited programs
9.6(135) Application procedures for programs not recognized by the American Diabetes Association or accredited by the American Association of Diabetes Educators
9.7(135) Diabetes program management for programs not recognized by the American Diabetes Association or accredited by the American Association of Diabetes Educators
9.8(135) Program staff for programs not recognized by the American Diabetes Association or accredited by the American Association of Diabetes Educators

9.9(135)	Renewal application procedures for programs not recognized by the American Diabetes Association or accredited by the American Association of Diabetes Educators
9.10(135)	Annual report
9.11(135)	Enforcement
9.12(135)	Complaints
9.13(135)	Appeal process
9.14(135)	Formal contest

CHAPTER 10

IOWA GET SCREENED: COLORECTAL CANCER PROGRAM

10.1(135)	Purpose
10.2(135)	Definitions
10.3(135)	Components of the Iowa get screened (IGS): colorectal cancer program
10.4	Reserved
10.5(135)	Participant eligibility criteria
10.6(135)	Participant application procedures for IGS program services
10.7(135)	Priority for program expenditures
10.8(135)	Right to appeal
10.9(135)	Colorectal cancer treatment

CHAPTER 11

HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

11.1(139A,141A)	Definitions
11.2(141A)	HIV testing—obtaining consent—voluntary HIV-related tests for adults who are not pregnant
11.3(139A,141A)	HIV testing—obtaining consent—voluntary HIV-related tests for minors who are not pregnant
11.4(141A)	HIV testing—obtaining consent—voluntary HIV-related tests for pregnant women
11.5(141A)	HIV test results—post-test counseling
11.6(141A)	Reporting of diagnoses and HIV-related tests, events, and conditions to the department
11.7(141A)	Penalties
11.8(141A)	Immunity
11.9 and 11.10	Reserved

TRAINING PROGRAMS

11.11(135)	Purpose
11.12 to 11.14	Reserved

PARTNER NOTIFICATION SERVICES AND DIRECT NOTIFICATION OF AN IDENTIFIABLE THIRD PARTY

11.15(139A,141A)	Purpose
11.16(139A,141A)	Definitions
11.17(139A,141A)	Partner notification services by the department
11.18(141A)	Direct notification of an identifiable third party by a physician or the department
11.19 and 11.20	Reserved

CARE PROVIDERS EXPOSED TO CONTAGIOUS OR INFECTIOUS DISEASES

11.21(139A)	Purpose
11.22(139A)	Definitions
11.23(139A,141A)	Exposures in non-clinical settings
11.24(139A,141A)	Exposures in clinical settings
11.25(139A)	Immunity

11.26(139A) Duty to test
 11.27 to 11.29 Reserved

HIV-RELATED TEST FOR CONVICTED OR ALLEGED SEXUAL-ASSAULT OFFENDERS AND VICTIMS

11.30(915)	Purpose
11.31(915)	Definitions
11.32(915)	HIV-related test—convicted or alleged sexual assault offender
11.33(915)	Medical examination costs
11.34(915)	Testing, reporting, and counseling—penalties
11.35 to 11.39	Reserved

AIDS DRUG ASSISTANCE PROGRAM (ADAP)

11.40(141A)	Definitions
11.41(141A)	Purpose
11.42(141A)	Ensuring payer of last resort
11.43(141A)	Eligibility requirements
11.44(141A)	Enrollment process
11.45(141A)	Discontinuation of services
11.46(141A)	Distribution requirements
11.47(141A)	ADAP waiting list
11.48(141A)	Appeals
11.49(141A)	Confidentiality

CHAPTER 12

APPROVAL OF CONFIRMATORY LABORATORIES FOR PRIVATE SECTOR DRUG-FREE WORKPLACE TESTING

12.1(730)	Purpose
12.2(730)	Definitions
12.3(730)	Powers and duties
12.4(730)	Application procedures and requirements
12.5(730)	Requirements of laboratory personnel involved in confirmatory testing for alcohol or other drugs, or their metabolites
12.6(730)	Quality assurance program and procedure manual requirements
12.7(730)	Analytical quality control
12.8(730)	Sample security and confidentiality of test results
12.9(730)	Confirmatory testing
12.10(730)	Documentation of the confirmatory testing process
12.11(730)	Reporting of confirmed positive test results to the medical review officer
12.12(730)	Reporting requirements to department
12.13(730)	Approval, renewal, and inspection fees
12.14(730)	Renewal
12.15(730)	Reciprocity
12.16(730)	Changes during approval periods
12.17(730)	Enforcement
12.18(730)	Denial, suspension, modification or revocation of approval
12.19(730)	Restoration of approval
12.20(730)	Appeals process
12.21(730)	Complaints

CHAPTER 13

Reserved

**CHAPTER 14
WATER TREATMENT SYSTEMS**

14.1(714)	Purpose
14.2(714)	Applicability
14.3(714)	Definitions
14.4(714)	Performance testing
14.5(714)	Third-party testing agencies
14.6(714)	Registration
14.7(714)	Label and manufacturer's performance data sheet
14.8(714)	Consumer information pamphlet
14.9(714)	Sales of water treatment systems
14.10(714)	Treatment of records
14.11(714)	Penalties

**CHAPTER 15
SWIMMING POOLS AND SPAS**

15.1(135I)	Applicability
15.2(135I)	Scope
15.3(135I)	Definitions and abbreviations
SWIMMING POOLS	
15.4(135I)	Swimming pool operations
15.5(135I)	Construction and reconstruction
ADMINISTRATION	
15.6(135I)	Enforcement
15.7(135I)	Variances
15.8(135I)	Penalties
15.9(135I)	Registration
15.10(135I)	Training courses
15.11(135I)	Swimming pool/spa operator qualifications
15.12(135I)	Fees
15.13(135I)	28E agreements
15.14(135I)	Application denial or partial denial—appeal
15.15 to 15.50	Reserved
SPAS	
15.51(135I)	Spa operations
15.52(135I)	Construction and reconstruction

**CHAPTERS 16 to 19
Reserved**

**CHAPTER 20
COMMUNITY WATER FLUORIDATION GRANT PROGRAM**

20.1(135)	Purpose
20.2(135)	Definitions
20.3(135)	Applications
20.4(135)	Review and rating of applications
20.5(135)	Project contracts
20.6(135)	Implementation procedures
20.7(135)	Reimbursement
20.8(135)	Termination
20.9(135)	Appeals

**CHAPTER 21
CENTRAL REGISTRY FOR
BRAIN AND SPINAL CORD INJURIES**

- | | |
|-----------|---|
| 21.1(135) | Purpose |
| 21.2(135) | Definitions |
| 21.3(135) | Reportable brain and spinal cord injuries |
| 21.4(135) | Who reports and under what circumstances |
| 21.5(135) | Method and frequency of reporting |
| 21.6(135) | Confidentiality |
| 21.7(135) | Quality assurance |

**CHAPTER 22
PRACTICE OF TATTOOING**

- | | |
|------------|---|
| 22.1(135) | Purpose |
| 22.2(135) | Definitions |
| 22.3(135) | General provisions |
| 22.4(135) | Sanitation and infection control |
| 22.5(135) | Equipment |
| 22.6(135) | Procedures |
| 22.7(135) | Permit issuance and renewal |
| 22.8(135) | Fees |
| 22.9(135) | Tattoo establishment permit requirements |
| 22.10(135) | Tattoo artist permit requirements |
| 22.11(135) | Temporary establishment permit requirements |
| 22.12(135) | Mobile tattoo unit permit requirements |
| 22.13(135) | Agreements |
| 22.14(135) | Inspection requirements |
| 22.15(135) | Tattoo inspector qualifications |
| 22.16(135) | Enforcement |
| 22.17(135) | Adverse actions and the appeal process |

**CHAPTER 23
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSEE PRACTICE**

- | | |
|-----------|---|
| 23.1(105) | Definitions |
| 23.2(105) | Duties of all licensees, specialty licensees, and certificate holders |
| 23.3(105) | Contractor license |
| 23.4(105) | Master license |
| 23.5(105) | Journeyperson license |
| 23.6(105) | Apprentice license |
| 23.7(105) | Specialty licenses and certifications |
| 23.8(105) | Inactive license |

**CHAPTER 24
PRIVATE WELL TESTING, RECONSTRUCTION, AND
PLUGGING—GRANTS TO COUNTIES**

- | | |
|-----------|-------------------------------|
| 24.1(135) | Applicability |
| 24.2(135) | Definitions |
| 24.3(135) | Eligibility |
| 24.4(135) | Goal and objectives |
| 24.5(135) | Eligible grant costs |
| 24.6(135) | Ineligible grant costs |
| 24.7(135) | Performance requirements |
| 24.8(135) | Contents of grant application |

24.9(135)	Grant application submission
24.10(135)	Multicounty grant applications
24.11(135)	Grant period
24.12	Reserved
24.13(135)	Grant amendments
24.14(135)	Termination or forfeiture of grant funds

**CHAPTER 25
STATE PLUMBING CODE**

25.1(105)	Adoption
25.2(105)	Applicability
25.3(105)	Fuel gas piping
25.4(105)	Amendments to Uniform Plumbing Code
25.5(105)	Backflow prevention with containment

**CHAPTER 26
BACKFLOW PREVENTION ASSEMBLY TESTER REGISTRATION**

26.1(135K)	Applicability
26.2(135K)	Definitions
26.3(135K)	Registration required
26.4(135K)	Backflow prevention assembly tester training
26.5(135K)	Registration
26.6(135K)	Standards of conduct
26.7(135K)	Penalty
26.8(135K)	Denial, probation, suspension or revocation

**CHAPTER 27
PLUMBING AND MECHANICAL SYSTEMS BOARD—ADMINISTRATIVE AND
REGULATORY AUTHORITY**

27.1(17A,105)	Definitions
27.2(17A,105)	Purpose of board
27.3(17A,105)	Organization of board and proceedings
27.4(17A,105)	Official communications
27.5(17A,105)	Office hours
27.6(21)	Public meetings

**CHAPTER 28
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSURE FEES**

28.1(105)	Fees
28.2(105)	Annual review of fee schedule

**CHAPTER 29
PLUMBING AND MECHANICAL SYSTEMS BOARD—
APPLICATION, LICENSURE, AND EXAMINATION**

29.1(105)	Definitions
29.2(105)	Available licenses and general requirements
29.3(105)	Medical gas piping certification
29.4(105)	Minimum qualifications for licensure
29.5(105)	General requirements for application for licensure
29.6(105)	Examination
29.7(105)	License renewal
29.8(105)	License reissue
29.9(105)	Waiver from examination for military service

- 29.10(105) Reactivation of an inactive license
- 29.11(105) Review of applications
- 29.12(105) Grounds for denial of an application

CHAPTER 30
CONTINUING EDUCATION FOR PLUMBING AND
MECHANICAL SYSTEMS PROFESSIONALS

- 30.1(105) Definitions
- 30.2(105) Continuing education requirements
- 30.3(105) Continuing education programs/activities
- 30.4(105) Course instructor(s)
- 30.5(105) Compliance review of continuing education requirements
- 30.6(105) Continuing education exemptions
- 30.7(105) Continuing education extensions
- 30.8(105) Continuing education reporting requirements

CHAPTER 31
PLUMBING AND MECHANICAL SYSTEMS BOARD—WAIVERS OR VARIANCES FROM
ADMINISTRATIVE RULES

- 31.1(17A,105,272C) Definitions
- 31.2(17A,105,272C) Scope of chapter
- 31.3(17A,105,272C) Applicability of chapter
- 31.4(17A,105,272C) Criteria for waiver or variance
- 31.5(17A,105,272C) Filing of petition
- 31.6(17A,105,272C) Content of petition
- 31.7(17A,105,272C) Additional information
- 31.8(17A,105,272C) Notice
- 31.9(17A,105,272C) Hearing procedures
- 31.10(17A,105,272C) Ruling
- 31.11(17A,105,272C) Public availability
- 31.12(17A,105,272C) Summary reports
- 31.13(17A,105,272C) Cancellation of a waiver
- 31.14(17A,105,272C) Violations
- 31.15(17A,105,272C) Defense
- 31.16(17A,105,272C) Judicial review

CHAPTER 32
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSEE DISCIPLINE

- 32.1(105,272C) Definitions
- 32.2(105,272C) Grounds for discipline
- 32.3(105,272C) Method of discipline
- 32.4(272C) Discretion of board
- 32.5(105) Civil penalties
- 32.6(105,272C) Collection of delinquent civil penalties and discipline-related debts

CHAPTER 33
PLUMBING AND MECHANICAL SYSTEMS BOARD—CONTESTED CASES

- 33.1(17A,105,272C) Scope and applicability
- 33.2(17A,105,272C) Definitions
- 33.3(17A) Time requirements
- 33.4(17A,272C) Probable cause
- 33.5(17A,272C) Informal settlement
- 33.6(17A) Statement of charges

33.7(17A)	Requests for contested case proceeding
33.8(105)	Legal representation
33.9(17A,105,272C)	Presiding officer in a disciplinary contested case
33.10(17A)	Presiding officer in a nondisciplinary contested case
33.11(17A)	Disqualification
33.12(17A)	Consolidation—severance
33.13(17A)	Pleadings
33.14(17A)	Service and filing
33.15(17A)	Discovery
33.16(17A,272C)	Subpoenas in a contested case
33.17(17A)	Motions
33.18(17A)	Withdrawals
33.19(17A)	Intervention
33.20(17A)	Telephone proceedings
33.21(17A)	Prehearing conferences
33.22(17A)	Continuances
33.23(272C)	Settlement agreements
33.24(17A)	Hearing procedures
33.25(17A)	Evidence
33.26(17A)	Default
33.27(17A)	Ex parte communication
33.28(17A)	Recording costs
33.29(17A)	Interlocutory appeals
33.30(17A,272C)	Decisions
33.31(17A,272C)	Client notification
33.32(17A,272C)	Application for rehearing
33.33(17A)	Stays of board actions
33.34(17A)	No factual dispute contested cases
33.35(17A)	Emergency adjudicative proceedings
33.36(17A,105,272C)	License denial
33.37(17A,105,272C)	Denial of application to renew license
33.38(105,272C)	Recovery of hearing fees and expenses
33.39(17A)	Judicial review
33.40(17A,272C)	Reinstatement

CHAPTER 34

PLUMBING AND MECHANICAL SYSTEMS BOARD—COMPLAINTS AND INVESTIGATIONS

34.1(272C)	Complaints
34.2(272C)	Report of malpractice claims or actions or disciplinary actions
34.3(272C)	Report of acts or omissions
34.4(272C)	Investigation of complaints or reports
34.5(17A,272C)	Issuance of investigatory subpoenas
34.6(272C)	Peer review committees
34.7(17A)	Appearance

CHAPTER 35

PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSURE OF NONRESIDENT APPLICANT—RECIPROCITY

35.1(105)	Definition
35.2(105)	Reciprocity agreements
35.3(105)	Application by reciprocity

CHAPTER 36
PLUMBING AND MECHANICAL SYSTEMS BOARD—
PETITIONS FOR RULE MAKING

- | | |
|-----------|--------------------------|
| 36.1(17A) | Petition for rule making |
| 36.2(17A) | Briefs |
| 36.3(17A) | Inquiries |
| 36.4(17A) | Board consideration |

CHAPTER 37
PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2
QUANTITIES OF RADIOACTIVE MATERIAL

GENERAL PROVISIONS

- | | |
|--|---|
| 37.1(136C) | Purpose and scope |
| 37.2 to 37.4 | Reserved |
| 37.5(136C) | Definitions |
| 37.6 | Reserved |
| 37.7(136C) | Communications |
| 37.8 to 37.10 | Reserved |
| 37.11(136C) | Specific exemptions |
| 37.12 to 37.20 | Reserved |
| BACKGROUND INVESTIGATIONS AND ACCESS CONTROL PROGRAM | |
| 37.21(136C) | Personnel access authorization requirements for category 1 or category 2 quantities of radioactive material |
| 37.22 | Reserved |
| 37.23(136C) | Access authorization program requirements |
| 37.24 | Reserved |
| 37.25(136C) | Background investigations |
| 37.26 | Reserved |
| 37.27(136C) | Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material |
| 37.28 | Reserved |
| 37.29(136C) | Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials |
| 37.30 | Reserved |
| 37.31(136C) | Protection of information |
| 37.32 | Reserved |
| 37.33(136C) | Access authorization program review |
| 37.34 to 37.40 | Reserved |
| PHYSICAL PROTECTION REQUIREMENTS DURING USE | |
| 37.41(136C) | Security program |
| 37.42 | Reserved |
| 37.43(136C) | General security program requirements |
| 37.44 | Reserved |
| 37.45(136C) | LLEA coordination |
| 37.46 | Reserved |
| 37.47(136C) | Security zones |
| 37.48 | Reserved |
| 37.49(136C) | Monitoring, detection, and assessment |
| 37.50 | Reserved |
| 37.51(136C) | Maintenance and testing |

37.52	Reserved
37.53(136C)	Requirements for mobile devices
37.54	Reserved
37.55(136C)	Security program review
37.56	Reserved
37.57(136C)	Reporting of events
37.58 to 37.70	Reserved
	PHYSICAL PROTECTION IN TRANSIT
37.71(136C)	Additional requirements for transfer of category 1 and category 2 quantities of radioactive material
37.72	Reserved
37.73(136C)	Applicability of physical protection of category 1 and category 2 quantities of radioactive material during transit
37.74	Reserved
37.75(136C)	Preplanning and coordination of shipment of category 1 or category 2 quantities of radioactive material
37.76	Reserved
37.77(136C)	Advance notification of shipment of category 1 quantities of radioactive material
37.78	Reserved
37.79(136C)	Requirements for physical protection of category 1 and category 2 quantities of radioactive material during shipment
37.80	Reserved
37.81(136C)	Reporting of events
37.82 to 37.100	Reserved
	RECORDS
37.101(136C)	Form of records
37.102	Reserved
37.103(136C)	Record retention
37.104	Reserved
37.105(136C)	Inspections

CHAPTER 38
GENERAL PROVISIONS FOR RADIATION MACHINES
AND RADIOACTIVE MATERIALS

38.1(136C)	Purpose and scope
38.2(136C)	Definitions
38.3(136C)	Exemptions from the regulatory requirements
38.4(136C)	General regulatory requirements
38.5	Reserved
38.6(136C)	Prohibited uses
38.7(136C)	Communications
38.8(136C)	Fees
38.9(136C)	Administrative enforcement actions
38.10(136C)	Deliberate misconduct

CHAPTER 39
REGISTRATION OF RADIATION MACHINE FACILITIES, LICENSURE OF RADIOACTIVE
MATERIALS AND TRANSPORTATION OF RADIOACTIVE MATERIALS

39.1(136C)	Purpose and scope
39.2(136C)	Definitions
39.3(136C)	Requirements for registration of X-ray and other electronic machines that produce radiation

39.4(136C) Requirements for licensing of radioactive materials
 39.5(136C) Transportation of radioactive material

CHAPTER 40

STANDARDS FOR PROTECTION AGAINST RADIATION

GENERAL PROVISIONS

40.1(136C) Purpose and scope
 40.2(136C) Definitions
 40.3(136C) Implementation
 40.4 to 40.9 Reserved

RADIATION PROTECTION PROGRAMS

40.10(136C) Radiation protection programs
 40.11 to 40.14 Reserved

OCCUPATIONAL DOSE LIMITS

40.15(136C) Occupational dose limits for adults
 40.16(136C) Compliance with requirements for summation of external and internal doses
 40.17(136C) Determination of external dose from airborne radioactive material
 40.18(136C) Determination of internal exposure
 40.19(136C) Determination of prior occupational dose
 40.20(136C) Planned special exposures
 40.21(136C) Occupational dose limits for minors
 40.22(136C) Dose equivalent to an embryo/fetus
 40.23 to 40.25 Reserved

RADIATION DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC

40.26(136C) Dose limits for individual members of the public
 40.27(136C) Compliance with dose limits for individual members of the public

RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION

40.28(136C) Radiological criteria for license termination
 40.29(136C) Radiological criteria for unrestricted use
 40.30(136C) Criteria for license termination under restricted conditions
 40.31(136C) Alternate criteria for license termination

TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

40.32(136C) Testing for leakage or contamination of sealed sources
 40.33 to 40.35 Reserved

SURVEYS AND MONITORING

40.36(136C) Surveys and monitoring—general
 40.37(136C) Conditions requiring individual monitoring of external and internal occupational dose
 40.38 to 40.41 Reserved

CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

40.42(136C) Control of access to high radiation areas
 40.43(136C) Control of access to very high radiation areas
 40.44(136C) Control of access to very high radiation areas—irradiators
 40.45 to 40.47 Reserved

RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE IN RESTRICTED AREAS

40.48(136C) Use of process or other engineering controls
 40.49(136C) Use of other controls
 40.50(136C) Use of individual respiratory protection equipment

40.51 to 40.53	Reserved
STORAGE AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION	
40.54	Reserved
40.55(136C)	Security and control of licensed or registered sources of radiation
40.56(136C)	Control of sources of radiation not in storage
40.57 to 40.59	Reserved
PRECAUTIONARY PROCEDURES	
40.60(136C)	Caution signs
40.61(136C)	Posting requirements
40.62(136C)	Exceptions to posting requirements
40.63(136C)	Labeling containers and radiation machines
40.64(136C)	Exemptions to labeling requirements
40.65(136C)	Procedures for receiving and opening packages
40.66 to 40.69	Reserved
WASTE DISPOSAL	
40.70(136C)	General requirements
40.71(136C)	Method for obtaining approval of proposed disposal procedures
40.72(136C)	Disposal by release into sanitary sewerage
40.73(136C)	Treatment or disposal by incineration
40.74(136C)	Disposal of specific wastes
40.75(136C)	Transfer for disposal and manifests
40.76(136C)	Compliance with environmental and health protection regulations
40.77(136C)	Disposal of certain by-product material
40.78 and 40.79	Reserved
RECORDS	
40.80(136C)	General provisions
40.81(136C)	Records of radiation protection programs
40.82(136C)	Records of surveys
40.83(136C)	Records of tests for leakage or contamination of sealed sources
40.84(136C)	Records of prior occupational dose
40.85(136C)	Records of planned special exposures
40.86(136C)	Records of individual monitoring results
40.87(136C)	Records of dose to individual members of the public
40.88(136C)	Records of waste disposal
40.89(136C)	Records of testing entry control devices for very high radiation areas
40.90(136C)	Form of records
40.91 to 40.94	Reserved
REPORTS	
40.95(136C)	Reports of stolen, lost, or missing licensed or registered sources of radiation
40.96(136C)	Notification of incidents
40.97(136C)	Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits
40.98(136C)	Reports of planned special exposures
40.99(136C)	Reports of transactions involving nationally tracked sources
40.100(136C)	Reports of individual monitoring
40.101(136C)	Notifications and reports to individuals
40.102(136C)	Reports of leaking or contaminated sealed sources
40.103 and 40.104	Reserved

ADDITIONAL REQUIREMENTS

40.105(136C)	Vacating premises
40.106 to 40.109	Reserved
	NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS
40.110(136C)	Posting of notices to workers
40.111(136C)	Instructions to workers
40.112(136C)	Notifications and reports to individuals
40.113(136C)	Presence of representatives of licensees or registrants and workers during inspection
40.114(136C)	Consultation with workers during inspections
40.115(136C)	Requests by workers for inspections
40.116(136C)	Inspections not warranted—informal review
40.117(136C)	Employee protection

CHAPTER 41

SAFETY REQUIREMENTS FOR THE USE OF
RADIATION MACHINES AND CERTAIN USES
OF RADIOACTIVE MATERIALS

41.1(136C)	X-rays in the healing arts
41.2(136C)	Use of radionuclides in the healing arts
41.3(136C)	Therapeutic use of radiation machines
41.4 and 41.5	Reserved
41.6(136C)	X-ray machines used for screening and diagnostic mammography
41.7(136C)	X-ray machines used for stereotactically guided breast biopsy

CHAPTER 42

PERMIT TO OPERATE IONIZING RADIATION PRODUCING MACHINES
OR ADMINISTER RADIOACTIVE MATERIALS

42.1(136C)	Purpose
42.2(136C)	Definitions
42.3(136C)	Exemptions

PERMIT APPLICATION AND RENEWAL

42.4(136C)	Permit application and renewal
42.5(136C)	Permit to practice as a general radiologic technologist
42.6(136C)	Permit to practice as a general nuclear medicine technologist
42.7(136C)	Permit to practice as a radiation therapist
42.8(136C)	Permit to practice as a radiologist assistant
42.9(136C)	Permit to practice as a limited radiologic technologist with categories of chest, spine, extremities, shoulder, pediatric
42.10(136C)	Permit to practice as an X-ray equipment operator in either podiatric radiography or bone densitometry
42.11	Reserved
42.12(136C)	Closed classification or category permits
42.13(136C)	Combining permits for an individual qualifying for permits in more than one classification
42.14 to 42.17	Reserved

PERMIT HOLDER SUBMISSION OF CONTINUING EDUCATION

42.18(136C)	Submission of proof of completion of continuing education by permit holder to meet continuing education requirements to renew or reinstate a permit
42.19 and 42.20	Reserved

ADMINISTRATIVE ITEMS AND GROUNDS FOR DISCIPLINARY ACTION	
42.21(136C)	Administrative items
42.22(136C)	Rules of conduct, self-reporting requirements, and enforcement actions for all permit holders
42.23(136C)	Procedures for demand for information, notice of proposed action, and orders for penalties, suspensions, revocations, and civil penalties for all individuals under this chapter
42.24 and 42.25	Reserved
DEPARTMENT APPROVAL OF CONTINUING EDUCATION ACTIVITIES	
42.26(136C)	Department approval of continuing education activities
42.27 to 42.29	Reserved
FORMAL EDUCATION	
42.30(136C)	Requirements for formal education
42.31(136C)	Standards for formal education for limited radiologic technologists
42.32(136C)	Standards for formal education for X-ray equipment operators in podiatric radiography
42.33(136C)	Standards for formal education for X-ray equipment operators in bone densitometry

CHAPTER 43

MINIMUM REQUIREMENTS FOR RADON TESTING AND ANALYSIS

43.1(136B)	Purpose and scope
43.2(136B)	Definitions
43.3(136B)	General provisions
43.4(136B)	Application for certification
43.5(136B)	Enforcement actions
43.6(136B)	Reporting requirements
43.7(136B)	Training and continuing education programs
43.8(136B)	Exemptions
43.9(136B)	Enforcement
43.10(136B)	Penalties
43.11(136B)	Persons exempted from certification

CHAPTER 44

MINIMUM REQUIREMENTS FOR RADON MITIGATION

44.1(136B)	Purpose and scope
44.2(136B)	Definitions
44.3(136B)	General provisions
44.4(136B)	Application for credentialing
44.5(136B)	Revocation of credentialing
44.6(136B)	Additional record-keeping requirements
44.7(136B)	Continuing education
44.8(136B)	Exemptions
44.9(136B)	Enforcement
44.10(136B)	Penalties

CHAPTER 45

RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

45.1(136C)	General requirements for industrial radiography operations
45.2(136C)	Radiation safety requirements for the use of radiation machines in industrial radiography

- 45.3(136C) Radiation safety requirements for use of sealed sources of radiation in industrial radiography
- 45.4(136C) Radiation safety requirements for the use of particle accelerators for nonhuman use
- 45.5(136C) Radiation safety requirements for analytical X-ray equipment
- 45.6(136C) Radiation safety requirements for well-logging, wireline service operations and subsurface tracer studies

CHAPTER 46

MINIMUM REQUIREMENTS FOR TANNING FACILITIES

- 46.1(136D) Purpose and scope
- 46.2(136D) Definitions
- 46.3(136D) Exemptions
- 46.4(136D) Permits and fees
- 46.5(136D) Construction and operation of tanning facilities
- 46.6(136D) Inspections, violations and injunctions

CHAPTERS 47 to 49

Reserved

CHAPTER 50 ORAL HEALTH

- 50.1(135) Purpose
- 50.2(135) Definitions
- 50.3(135) Dental director responsibilities
- 50.4(135) Oral health bureau functions
- 50.5(135) Funding

CHAPTER 51 DENTAL SCREENING

- 51.1(135) Purpose
- 51.2(135) Definitions
- 51.3(135) Persons included
- 51.4(135) Persons excluded
- 51.5(135) Dental screening components
- 51.6(135) Dental screening providers
- 51.7(135) Time line for valid dental screening
- 51.8(135) Proof of dental screening
- 51.9(135) Dental screening documentation
- 51.10(135) Assuring dental screening services
- 51.11(135) Records
- 51.12(135) Reporting
- 51.13(135) Iowa's dental screening database
- 51.14(135) Release of dental screening information
- 51.15(135) Referral requirements
- 51.16(135) Provider training

CHAPTER 52 VISION SCREENING

- 52.1(135) Purpose
- 52.2(135) Definitions
- 52.3(135) Persons included and persons excluded
- 52.4(135) Child vision screening components
- 52.5(135) Time line for valid vision screening

52.6(135)	Proof of child vision screening
52.7(135)	Child vision screening reporting
52.8(135)	School requirements
52.9(135)	Iowa's child vision screening database module and follow-up
52.10(135)	Referral requirements

CHAPTERS 53 and 54
Reserved

CHAPTER 55
ADVISORY COUNCIL ON BRAIN INJURIES

55.1(135)	Definitions
55.2(135)	Mission of council
55.3(135)	Council established
55.4(135)	Officers
55.5(135)	Duties of the council
55.6(135)	Meetings
55.7(135)	Minutes
55.8(135)	Task forces
55.9(135)	Expenses of advisory council members

CHAPTER 56
BRAIN INJURY SERVICES PROGRAM

56.1(135)	Definitions
56.2(135)	Purpose
56.3(135)	Waiver-eligible component
56.4(135)	Cost-share component
56.5(135)	Application process
56.6(135)	Service providers and reimbursement
56.7(135)	Available services/service plan
56.8(135)	Redetermination
56.9(135)	Appeal rights

CHAPTER 57
PLUMBING AND MECHANICAL SYSTEMS BOARD—
DECLARATORY ORDERS

57.1(17A)	Petition for declaratory order
57.2(17A)	Notice of petition
57.3(17A)	Intervention
57.4(17A)	Briefs
57.5(17A)	Inquiries
57.6(17A)	Service and filing of petitions and other papers
57.7(17A)	Consideration
57.8(17A)	Action on petition
57.9(17A)	Refusal to issue order
57.10(17A)	Contents of declaratory order—effective date
57.11(17A)	Copies of orders
57.12(17A)	Effect of a declaratory order

CHAPTER 58
PLUMBING AND MECHANICAL SYSTEMS BOARD—
AGENCY PROCEDURE FOR RULE MAKING

58.1(17A)	Applicability
58.2(17A)	Advice on possible rules before notice of proposed rule adoption
58.3(17A)	Public rule-making docket
58.4(17A)	Notice of proposed rule making
58.5(17A)	Public participation
58.6(17A)	Regulatory analysis
58.7(17A)	Fiscal impact statement
58.8(17A)	Time and manner of rule adoption
58.9(17A)	Variance between adopted rule and published notice of proposed rule adoption
58.10(17A)	Exemptions from public rule-making procedures
58.11(17A)	Concise statement of reasons
58.12(17A)	Contents, style, and form of rule
58.13(17A)	Agency rule-making record
58.14(17A)	Filing of rules
58.15(17A)	Effectiveness of rules prior to publication
58.16(17A)	General statements of policy
58.17(17A)	Review by agency of rules

CHAPTER 59
PLUMBING AND MECHANICAL SYSTEMS BOARD—FAIR INFORMATION
PRACTICES AND PUBLIC RECORDS

59.1(17A,22)	Definitions
59.2(17A,22)	Statement of policy
59.3(17A,22)	Requests for access to records
59.4(17A,22)	Access to confidential records
59.5(17A,22)	Requests for treatment of a record as a confidential record and its withholding from examination
59.6(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
59.7(17A,22)	Consent to disclosure by the subject of a confidential record
59.8(17A,22)	Notice to suppliers of information
59.9(17A,22)	Disclosures without the consent of the subject
59.10(17A,22)	Routine use
59.11(17A,22)	Consensual disclosure of confidential records
59.12(17A,22)	Release to subject
59.13(17A,22)	Availability of records
59.14(17A,22)	Personally identifiable information
59.15(17A,22)	Other groups of records routinely available for public inspection
59.16(17A,22)	Applicability

CHAPTER 60
PLUMBING AND MECHANICAL SYSTEMS BOARD—
NONCOMPLIANCE REGARDING CHILD SUPPORT, NONPAYMENT OF STATE DEBT,
AND NONCOMPLIANCE REGARDING STUDENT LOAN REPAYMENT

60.1(252J)	Child support noncompliance
60.2(272D)	Nonpayment of state debt
60.3(261)	Student loan repayment noncompliance

**CHAPTER 61
STATE MECHANICAL CODE**

- 61.1(105) Definitions
61.2(105) Adoption by reference
61.3(105) Hospitals and health care facilities
61.4(105) Enforcement

**CHAPTER 62
PLUMBING AND MECHANICAL SYSTEMS BOARD—
MILITARY SERVICE AND VETERAN RECIPROCITY**

- 62.1(85GA,ch1116) Military service and veteran reciprocity

**CHAPTERS 63 to 66
Reserved**

**CHAPTER 67
BLOOD LEAD TESTING**

- 67.1(135) Purpose
67.2(135) Definitions
67.3(135) Persons included
67.4(135) Persons excluded
67.5(135) Blood lead testing requirement
67.6(135) Time line for valid blood lead testing
67.7(135) Proof of blood lead testing
67.8(135) Referral requirements
67.9(135) Blood lead testing documentation
67.10(135) Records
67.11(135) Provider training

**CHAPTER 68
CONTROL OF LEAD-BASED PAINT HAZARDS**

- 68.1(135) Applicability
68.2(135) Definitions
68.3(135) Elevated blood lead (EBL) inspections required
68.4(135) Refusal of admittance
68.5(135) Lead hazard reduction required
68.6(135) Retaliation prohibited
68.7(135) Enforcement
68.8(135) Hearings
68.9(135) Variances
68.10(135) Injunction
68.11(135) Effective date

**CHAPTER 69
RENOVATION, REMODELING, AND REPAINTING—
LEAD HAZARD NOTIFICATION PROCESS**

- 69.1(135) Applicability
69.2(135) Definitions
69.3(135) Notification required in target housing
69.4(135) Notification required in multifamily housing
69.5(135) Emergency renovation, remodeling, or repainting in target housing
69.6(135) Certification of attempted delivery in target housing
69.7(135) Notification required in child-occupied facilities

69.8(135)	Emergency renovation, remodeling, or repainting in child-occupied facilities
69.9(135)	Certification of attempted delivery for child-occupied facilities
69.10(135)	Subcontracts
69.11(135)	Exemption
69.12(135)	Record-keeping requirements
69.13(135)	Compliance inspections
69.14(135)	Enforcement
69.15(135)	Waivers

CHAPTER 70 LEAD-BASED PAINT ACTIVITIES

70.1(135)	Applicability
70.2(135)	Definitions
70.3(135)	Lead professional certification
70.4(135)	Course approval and standards
70.5(135)	Certification, interim certification, and recertification
70.6(135)	Work practice standards for lead professionals conducting lead-based paint activities in target housing and child-occupied facilities
70.7(135)	Firms
70.8	Reserved
70.9(135)	Compliance inspections
70.10(135)	Denial, suspension, or revocation of certification; denial, suspension, revocation, or modification of course approval; and imposition of penalties
70.11(135)	Waivers

CHAPTER 71 EMERGENCY INFORMATION SYSTEM ON PESTICIDES FOR USE BY HEALTH CARE PROVIDERS DURING MEDICAL EMERGENCIES

71.1(139A)	Scope
71.2(139A)	Definitions
71.3(139A)	Operation of EIS

CHAPTER 72 CHILDHOOD LEAD POISONING PREVENTION PROGRAM

72.1(135)	Definitions
72.2(135)	Approved programs
72.3(135)	Level of funding
72.4(135)	Appeals

CHAPTER 73 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

73.1(135)	Program explanation
73.2(135)	Adoption by reference
73.3(135)	Availability of rules and policy and procedure manual
73.4(135)	Definitions
73.5(135)	Staffing of contract agencies
73.6(135)	Certification of participants
73.7(135)	Food delivery
73.8(135)	Food package
73.9(135)	Education
73.10(135)	Health services

73.11(135)	Appeals and fair hearings—local agencies
73.12(135)	Right to appeal—participant
73.13(135)	Right to appeal—vendor
73.14(135)	State monitoring of contract agencies
73.15(135)	Migrant services
73.16(135)	Civil rights
73.17(135)	Audits
73.18(135)	Reporting
73.19(135)	WIC program violation
73.20(135)	Data processing
73.21(135)	Outreach
73.22(135)	Caseload management
73.23(135)	Grant application procedures for contract agencies
73.24(135)	Participant rights
73.25(135)	Confidentiality

**CHAPTER 74
FAMILY PLANNING SERVICES**

74.1(135)	Program explanation
74.2(135)	Adoption by reference
74.3(135)	Rule coverage
74.4(135)	Definitions
74.5(135)	Grant application procedures for contract agencies
74.6(135)	Funding levels for contract agencies
74.7(135)	Agency performance
74.8(135)	Reporting
74.9(135)	Fiscal management
74.10(135)	Audits
74.11(135)	Denial, suspension, revocation, or reduction of contracts with contract agencies
74.12(135)	Right to appeal—contract agency

**CHAPTER 75
Reserved**

**CHAPTER 76
MATERNAL AND CHILD HEALTH PROGRAM**

76.1(135)	Program overview
76.2(135)	Adoption by reference
76.3(135)	Rule coverage
76.4(135)	Definitions
76.5(135)	MCH services
76.6(135)	Client eligibility criteria
76.7(135)	Client application procedures for MCH services
76.8(135)	Right to appeal—client
76.9(135)	Grant application procedures for community-based contract agencies
76.10(135)	Funding levels for community-based contract agencies
76.11(135)	Contract agency performance
76.12(135)	Reporting
76.13(135)	Fiscal management
76.14(135)	Audits
76.15	Reserved
76.16(135)	Denial, suspension, revocation or reduction of contracts with contract agencies
76.17(135)	Right to appeal—contract agency

76.18 to 76.20 Reserved

MATERNAL AND CHILD HEALTH ADVISORY COUNCIL

76.21(135) Purpose
76.22(135) Mission
76.23(135) Membership
76.24(135) Officers
76.25(135) Duties of the council
76.26(135) Meetings
76.27(135) Executive committee
76.28(135) Committees

CHAPTER 77
LOCAL BOARDS OF HEALTH

77.1(137) Purpose
77.2(137) Definitions
77.3(137) Local boards of health—roles and responsibilities
77.4(137) Organization of local boards of health
77.5(137) Operation of local boards of health
77.6(137) Expenses of local board of health members
77.7(137) Dissolution of city boards
77.8(137) Request to form district board of health
77.9(137) Review, approval or denial of district board of health formation
77.10(137) Adding to a district board of health
77.11(137) Withdrawal from a district board of health

CHAPTERS 78 and 79
Reserved

CHAPTER 80
LOCAL PUBLIC HEALTH SERVICES

80.1(135) Purpose
80.2(135) Definitions
80.3(135) Local public health services (LPHS)
80.4(135) Utilization of LPHS contract funding
80.5(135) Right to appeal
80.6(135) Community capacity/local board of health and healthy aging funds

CHAPTER 81
GENERAL RULES FOR MIGRATORY LABOR CAMPS

81.1(138) Shelters
81.2(138) Water supply
81.3(138) Waste disposal
81.4(138) Bathing facilities
81.5(138) Central dining facilities
81.6(138) Safety and fire

CHAPTERS 82 to 85
Reserved

CHAPTER 86
PLACES WHERE DEAD HUMAN BODIES ARE PREPARED
FOR BURIAL OR ENTOMBMENT

- | | |
|-----------|----------------------|
| 86.1(156) | Purpose |
| 86.2(156) | Definitions |
| 86.3(156) | Licensing |
| 86.4(156) | Public access areas |
| 86.5(156) | Preparation room |
| 86.6(156) | Crematorium chambers |
| 86.7(156) | Inspection fees |

CHAPTER 87
HEALTHY FAMILIES IOWA (HFI)

- | | |
|-----------|-----------------------------|
| 87.1(135) | Purpose |
| 87.2(135) | Definitions |
| 87.3(135) | Applicant eligibility |
| 87.4(135) | Participant eligibility |
| 87.5(135) | Program requirements |
| 87.6(135) | Contractor assurance |
| 87.7(135) | Applicant appeal process |
| 87.8(135) | Participant right to appeal |

CHAPTER 88
VOLUNTEER HEALTH CARE PROVIDER PROGRAM

- | | |
|------------|--|
| 88.1(135) | Purpose |
| 88.2(135) | Definitions |
| 88.3(135) | Eligibility for the volunteer health care provider program |
| 88.4(135) | Sponsor entity and protected clinic |
| 88.5(135) | Covered health care services |
| 88.6(135) | Defense and indemnification |
| 88.7(135) | Term of agreement |
| 88.8(135) | Reporting requirements and duties |
| 88.9(135) | Revocation of agreement |
| 88.10(135) | Procedure for revocation of agreement |
| 88.11(135) | Effect of suspension or revocation |
| 88.12(135) | Protection denied |
| 88.13(135) | Board notice of disciplinary action |
| 88.14(135) | Effect of eligibility protection |
| 88.15(135) | Reporting by a protected clinic or sponsor entity |

CHAPTER 89
DECISION-MAKING ASSISTANCE PROGRAM
AND PARENTAL NOTIFICATION OF INTENT
TO TERMINATE A PREGNANCY THROUGH ABORTION

- | | |
|---------------|-------------------|
| 89.1(135L) | Title |
| 89.2(135L) | Purpose and scope |
| 89.3(135L) | Definitions |
| 89.4 to 89.10 | Reserved |

DECISION-MAKING ASSISTANCE PROGRAM

89.11(135L)	Purpose
89.12(135L)	Initial appointment of a pregnant minor with a licensed physician from whom an abortion is sought and certification procedure for the decision-making assistance program
89.13 to 89.20	Reserved
	NOTIFICATION PROCESS
89.21(135L)	Notification of parent prior to the performance of abortion on a pregnant minor
89.22(135L)	Exceptions to notification of parent
89.23(135L)	Physician compliance
89.24 and 89.25	Reserved
89.26(135L)	Fraudulent practice

**CHAPTER 90
IOWA CHILD DEATH REVIEW TEAM**

90.1(135)	Purpose
90.2(135)	Definitions
90.3(135)	Agency
90.4(135)	Membership
90.5(135)	Officers
90.6(135)	Meetings
90.7(135)	Expenses of team members
90.8(135)	Team responsibilities
90.9(135)	Liaisons
90.10(135)	Confidentiality and disclosure of information
90.11(135)	Immunity and liability

**CHAPTER 91
IOWA DOMESTIC ABUSE DEATH REVIEW TEAM**

91.1(135)	Purpose
91.2(135)	Definitions
91.3(135)	Agency
91.4(135)	Membership
91.5(135)	Officers
91.6(135)	Meetings
91.7(135)	Expenses of team members
91.8(135)	Team duties and responsibilities
91.9(135)	Liaisons
91.10(135)	Confidentiality and disclosure of information
91.11(135)	Immunity and liability

**CHAPTER 92
IOWA FATALITY REVIEW COMMITTEE**

92.1(135)	Purpose
92.2(135)	Definitions
92.3(135)	Committee
92.4(135)	Formation of the committee
92.5(135)	Committee protocol for review
92.6(135)	Content of report
92.7(135)	Consultation with county attorney
92.8(135)	Supplemental report

- 92.9(135) Confidentiality and disclosure of information
92.10(135) Immunity and liability

CHAPTER 93

MANDATORY REPORTER TRAINING CURRICULA

- 93.1(135) Purpose
93.2 and 93.3 Reserved
93.4(135) Duties
93.5(135) Standards for approval of curricula
93.6(135) Process for application review and approval
93.7(135) Process for appeal

CHAPTER 94

CHILD PROTECTION CENTER GRANT PROGRAM

- 94.1(135) Scope and purpose
94.2(135) Definitions
94.3(135) Goals
94.4(135) Review process
94.5(135) Eligibility and criteria
94.6(135) Appeals

CHAPTER 95

VITAL RECORDS: GENERAL ADMINISTRATION

- 95.1(144) Definitions
95.2(144) Vital records and statistics
95.3(144) Forms—property of department
95.4(144) Information by others
95.5(144) Handling of vital records
95.6(144) Fees
95.7(144) General public access of vital records in the custody of the county registrar
95.8(144) Direct tangible interest in and entitlement to a vital record
95.9(144) Search and issuance of a certified copy of a vital record
95.10(144) Search and issuance for genealogy or family history
95.11(144) Registrars' responsibility for maintenance of confidentiality
95.12(144) Disclosure of data
95.13(144) Preparation of certified copies
95.14(144) Cancellation of fraudulent records
95.15(144) Unlawful acts
95.16(144) Enforcement assistance

CHAPTER 96

BIRTH REGISTRATION

- 96.1(144) Definitions
96.2(144) Forms—property of department
96.3(144) Standard birth registration—up to seven days
96.4(144) Standard birth registration—seven days to one year
96.5(144) Birthing institutions
96.6(144) Non-birthing institutions
96.7(144) Non-institution birth
96.8(144) Gestational surrogate arrangement birth registration
96.9(144) Foundling birth registration
96.10(144) Newborn safe haven registration
96.11(144) Birth registration following a foreign-born adoption

96.12(144)	Birth registration fees
96.13(144)	Fee collection
96.14(144)	Waivers
96.15(144)	Fee deposit
96.16(144)	Responsibilities of institutions
96.17(144)	Responsibility for births occurring in non-institutions and non-birthing institutions
96.18(144)	Delayed birth registration—one year or more after event

CHAPTER 97

DEATH REGISTRATION AND DISPOSITION OF DEAD HUMAN BODIES

97.1(144)	Definitions
97.2(144)	Forms—property of department
97.3(144)	Standard registration of death—up to one year
97.4(144)	Standard registration of fetal death—up to one year
97.5(144)	Preparation of the certificate of death or fetal death
97.6(144)	Medical certification of death
97.7(144)	Medical certification of fetal death
97.8(144)	Medical certifier
97.9(144)	Report of autopsy findings
97.10(144)	Extension of time
97.11(144)	Removal of a dead human body or fetus
97.12(144)	Burial-transit permit
97.13(144)	Transportation and disposition of a dead human body or fetus
97.14(144)	Disinterment permits
97.15(144)	Delayed death registration—one year or more after event
97.16(144)	Registration of presumptive death
97.17(144)	Release or final disposition of a dead human body or fetus by an institution
97.18(144)	Additional record by funeral director

CHAPTER 98

MARRIAGE REGISTRATION

98.1(144,595)	Definitions
98.2(144,595)	Forms—property of department
98.3(144,595)	Standard registration of marriage—up to one year
98.4(144,595)	Application for a license to marry in Iowa
98.5(144,595)	License to marry
98.6(144, 595)	Certificate of marriage
98.7(144,595)	Delayed registration of marriage—one year or more after date of event
98.8(144,595)	Dissolution of marriage or annulment

CHAPTER 99

VITAL RECORDS MODIFICATIONS

99.1(144)	Definitions
99.2(144)	Forms—property of department
99.3(144)	Forms used in the establishment of new records
99.4(144)	Corrections of minor error in vital record—within one year of event
99.5(144)	Amendment of certificate of live birth to add first or middle given name—within one year of event
99.6(144)	Amendment of vital record—one year or more after the event
99.7(144)	Method of amendment of vital records
99.8(144)	Correction or amendment of same item more than once
99.9(144)	Other amendments to certificate of live birth
99.10(144)	Correction or amendment to medical certification of cause of death

99.11(144)	Correction or amendment to a certificate of marriage
99.12(144)	Correction to a report of dissolution of marriage or annulment
99.13(144)	Minimum information required to establish a new certificate of live birth
99.14(144)	Establishment of new certificate of live birth following adoption
99.15(144)	Establishment of new certificate of live birth following a birth by gestational surrogate arrangement
99.16(144)	Certificate of live birth following voluntary paternity affidavit
99.17(144)	Certificate of live birth following court determination of paternity
99.18(144)	Certificate of live birth following revision of paternity affidavit or disestablishment of paternity
99.19(144)	Certificate of live birth following court-ordered change of name
99.20(144)	Certificate of live birth following sex designation change

CHAPTER 100

VITAL RECORDS REGISTRIES AND REPORTS

100.1(144)	Definitions
100.2(144)	Forms—property of department
100.3(144)	Declaration of paternity registry established
100.4(144)	Mutual consent voluntary adoption registry established
100.5(144)	Statistical report of termination of pregnancy report

CHAPTERS 101 to 106

Reserved

CHAPTER 107

BOARD-CERTIFIED BEHAVIOR ANALYST AND BOARD-CERTIFIED ASSISTANT BEHAVIOR ANALYST (BCBA/BCaBA) GRANTS PROGRAM

107.1(135)	Scope and purpose
107.2(135)	Definitions
107.3(135)	Eligibility criteria
107.4(135)	Priority in grant awards
107.5(135)	Amount of a grant
107.6(135)	Use of funds
107.7(135)	Review process
107.8(135)	Reporting

CHAPTER 108

MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM

108.1(135)	Scope and purpose
108.2(135)	Definitions
108.3(135)	Eligibility criteria
108.4(135)	Amount of grant
108.5(135)	Review process

CHAPTER 109

PRESCRIPTION DRUG DONATION REPOSITORY PROGRAM

109.1(135M)	Definitions
109.2(135M)	Purpose
109.3(135M)	Eligibility criteria for program participation by medical facilities and pharmacies
109.4(135M)	Standards and procedures for accepting donated prescription drugs and supplies
109.5(135M)	Standards and procedures for inspecting and storing donated prescription drugs and supplies
109.6(135M)	Standards and procedures for dispensing donated prescription drugs and supplies

109.7(135M)	Eligibility criteria for individuals to receive donated prescription drugs and supplies
109.8(135M)	Forms and record keeping
109.9(135M)	Handling fee
109.10(135M)	List of drugs and supplies program will accept
109.11(135M)	Exemption from disciplinary action, civil liability and criminal prosecution
109.12 and 109.13	Reserved
109.14(135M)	Prescription drug donation repository in disaster emergencies

**CHAPTER 110
CENTER FOR RURAL HEALTH
AND PRIMARY CARE**

110.1(135)	Purpose and scope
110.2(135)	Definitions
110.3(135)	Responsibilities of the center
110.4(135)	Advisory committee to the center for rural health and primary care
110.5(135)	Organization
110.6(135)	Meetings
110.7 to 110.10	Reserved

PRIMECARRE COMMUNITY GRANT PROGRAM

110.11(135)	Purpose
110.12 to 110.15	Reserved

**PRIMECARRE PRIMARY CARE PROVIDER
COMMUNITY SCHOLARSHIP PROGRAM**

110.16(135)	Purpose
110.17 to 110.20	Reserved
110.21(135)	PRIMECARRE PRIMARY CARE PROVIDER LOAN REPAYMENT PROGRAM

Purpose

**CHAPTER 111
IOWA NEEDS NURSES NOW INFRASTRUCTURE ACCOUNT**

111.1(135)	Scope and purpose
111.2(135)	Definitions
111.3(135)	Eligibility and criteria
111.4(135)	Review process
111.5(135)	Performance standards
111.6(135)	Appeals

CHAPTER 112

Reserved

**CHAPTER 113
PUBLIC HEALTH RESPONSE TEAMS**

113.1(135)	Definitions
113.2(135)	Purpose
113.3(135)	Sponsor agency
113.4(135)	Public health response team members
113.5(135)	Public health response team
113.6(135)	Legal and other protections
113.7(135)	Reporting requirements and duties

**CHAPTER 114
PREPAREDNESS ADVISORY COMMITTEE**

114.1(135)	Definitions
114.2(135)	Purpose
114.3(135)	Appointment and membership
114.4(135)	Officers
114.5(135)	Meetings
114.6(135)	Subcommittees
114.7(135)	Expenses of preparedness advisory committee voting members
114.8(135)	Committee composition

**CHAPTERS 115 to 121
Reserved**

CHAPTER 122

ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND

122.1(142C)	Scope and purpose
122.2(142C)	Definitions
122.3(142C)	State agencies or nonprofit legal entities
122.4(142C)	Hospitals
122.5(142C)	Transplant recipients and donors

**CHAPTER 123
Reserved**

CHAPTER 124

**INTERAGENCY COORDINATING COUNCIL
FOR THE STATE MEDICAL EXAMINER**

124.1(691)	Purpose
124.2(691)	Membership
124.3(691)	Meetings
124.4(691)	Duties
124.5(691)	Minutes

**CHAPTER 125
ADVISORY COUNCIL FOR THE STATE MEDICAL EXAMINER**

125.1(691)	Purpose
125.2(691)	Membership
125.3(691)	Meetings
125.4(691)	Duties
125.5(691)	Minutes

**CHAPTER 126
STATE MEDICAL EXAMINER**

126.1(144,331,691)	Definitions
126.2	Reserved
126.3(691)	Fees for autopsies and related services and reimbursement for related expenses
126.4(691)	Fees for tissue recovery

**CHAPTER 127
COUNTY MEDICAL EXAMINERS**

127.1(144,331,691)	Definitions
127.2(331,691)	Duties of medical examiners—jurisdiction over deaths which affect the public interest

- 127.3(331,691) Autopsies
- 127.4(331,691) Fees
- 127.5(144,331,691) Death certificates—deaths affecting the public interest
- 127.6(331,691) Cremation
- 127.7(331,691) County medical examiner investigators
- 127.8(331,691) Deputy county medical examiners
- 127.9(331,691) Failure to comply with rules
- 127.10(331,691,22) Confidentiality
- 127.11(331,691,670) Indemnification

CHAPTERS 128 and 129
Reserved

CHAPTER 130

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

- 130.1(147A) Definitions
- 130.2(147A) Purpose
- 130.3(147A) Appointment and membership
- 130.4(147A) Officers
- 130.5(147A) Meetings
- 130.6(147A) Subcommittees
- 130.7(147A) Expenses of advisory council members
- 130.8(147A) Council composition

CHAPTER 131
EMERGENCY MEDICAL SERVICES—PROVIDER
EDUCATION/TRAINING/CERTIFICATION

- 131.1(147A) Definitions
- 131.2(147A) Emergency medical care providers—requirements for enrollment in training programs
- 131.3(147A) Emergency medical care providers—authority
- 131.4(147A) Emergency medical care providers—certification, renewal standards, procedures, continuing education, and fees
- 131.5(147A) Training programs—standards, application, inspection and approval
- 131.6(147A) Continuing education providers—approval, record keeping and inspection
- 131.7(147A) Complaints and investigations—denial, citation and warning, probation, suspension, or revocation of emergency medical care personnel certificates or renewal
- 131.8(147A) Complaints and investigations—denial, citation and warning, probation, suspension, or revocation of training program approval or renewal
- 131.9(147A) Reinstatement of certification
- 131.10(147A) Certification denial
- 131.11(147A) Emergency adjudicative proceedings
- 131.12(147A) Complaints, investigations and appeals

CHAPTER 132

EMERGENCY MEDICAL SERVICES—SERVICE PROGRAM AUTHORIZATION

- 132.1(147A) Definitions
- 132.2(147A) Authority of emergency medical care provider
- 132.3 to 132.6 Reserved
- 132.7(147A) Service program—authorization and renewal procedures, inspections and transfer or assignment of certificates of authorization
- 132.8(147A) Service program levels of care and staffing standards

132.9(147A)	Service program—off-line medical direction
132.10(147A)	Complaints and investigations—denial, citation and warning, probation, suspension or revocation of service program authorization or renewal
132.11 to 132.13	Reserved
132.14(147A)	Temporary variances
132.15(147A)	Transport options for fully authorized EMT-P, PS, and paramedic service programs

**CHAPTER 133
WHITE FLASHING LIGHT AUTHORIZATION**

133.1(321)	Definitions
133.2(321)	Purpose
133.3(321)	Application
133.4(321)	Approval, denial, probation, suspension and revocation of authorization
133.5(321)	Appeal of denial, probation, or revocation of authorization

**CHAPTER 134
TRAUMA CARE FACILITY CATEGORIZATION
AND VERIFICATION**

134.1(147A)	Definitions
134.2(147A)	Trauma care facility categorization and verification
134.3(147A)	Complaints and investigations and appeals—denial, citation and warning, probation, suspension, and revocation of verification as a trauma care facility

**CHAPTER 135
TRAUMA TRIAGE AND TRANSFER PROTOCOLS**

135.1(147A)	Definitions
135.2(147A)	Trauma triage and transfer protocols
135.3(147A)	Offenses and penalties

**CHAPTER 136
TRAUMA REGISTRY**

136.1(147A)	Definitions
136.2(147A)	Trauma registry
136.3(147A)	Offenses and penalties

**CHAPTER 137
TRAUMA EDUCATION AND TRAINING**

137.1(147A)	Definitions
137.2(147A)	Initial trauma education requirements
137.3(147A)	Continuing trauma education requirements
137.4(147A)	Offenses and penalties

**CHAPTER 138
TRAUMA SYSTEM ADVISORY COUNCIL**

138.1(147A)	Definitions
138.2(147A)	Purpose and duties
138.3(147A)	Appointment and membership
138.4(147A)	Officers
138.5(147A)	Meetings
138.6(147A)	Subcommittees
138.7(147A)	Confidentiality
138.8(147A)	Documentation
138.9(147A)	Expenses of advisory council members
138.10(147A)	Council composition

CHAPTER 139**IOWA LAW ENFORCEMENT EMERGENCY CARE PROVIDER**

- | | |
|-------------|---|
| 139.1(147A) | Definitions |
| 139.2(147A) | Authority of Iowa law enforcement emergency care provider |
| 139.3(147A) | Iowa law enforcement emergency care providers—requirements for enrollment in training programs |
| 139.4(147A) | Iowa law enforcement emergency care providers—certification, renewal standards and procedures, and fees |
| 139.5(147A) | Iowa law enforcement training programs |
| 139.6(147A) | Law enforcement AED service program authorization |

CHAPTER 140**EMERGENCY MEDICAL SERVICES SYSTEM DEVELOPMENT GRANTS FUND**

- | | |
|------------|--------------------------------------|
| 140.1(135) | Definitions |
| 140.2(135) | Purpose |
| 140.3(135) | County EMS associations |
| 140.4(135) | County EMS system development grants |

CHAPTER 141**LOVE OUR KIDS GRANT**

- | | |
|------------|---------------------------|
| 141.1(321) | Definitions |
| 141.2(321) | Purpose |
| 141.3(321) | Funding limitations |
| 141.4(321) | Use of funds |
| 141.5(321) | Application process |
| 141.6(321) | Application denial—appeal |

CHAPTER 142**OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDERS**

- | | |
|------------------|--|
| 142.1(144A) | Definitions |
| 142.2(144A) | Purpose |
| 142.3(144A,147A) | Responsibilities of the department |
| 142.4(144A,147A) | EMS providers |
| 142.5(144A) | Guidelines for non-EMS health care providers, patients, and organizations |
| 142.6(144A) | Revocation of the out-of-hospital do-not-resuscitate order |
| 142.7(144A) | Personal wishes of family members or other individuals who are not authorized to act on the patient's behalf |
| 142.8(144A) | Transfer of patients |
| 142.9(144A) | Application to existing orders |

CHAPTER 143**AUTOMATED EXTERNAL DEFIBRILLATOR MAINTENANCE**

- | | |
|------------|-----------------|
| 143.1(613) | Purpose |
| 143.2(613) | Definition |
| 143.3(613) | AED maintenance |

CHAPTER 144**EMERGENCY MEDICAL SERVICES—AIR MEDICAL SERVICE PROGRAM AUTHORIZATION**

- | | |
|-------------|---|
| 144.1(147A) | Definitions |
| 144.2(147A) | Authority of emergency medical care provider |
| 144.3(147A) | Air ambulance service program—authorization and renewal procedures, inspections and transfer or assignment of certificates of authorization |

- | | |
|-------------|---|
| 144.4(147A) | Service program levels of care and staffing standards |
| 144.5(147A) | Air ambulance service program—off-line medical direction |
| 144.6(147A) | Complaints and investigations—denial, citation and warning, probation, suspension or revocation of service program authorization or renewal |
| 144.7(147A) | Temporary variances |
| 144.8(147A) | Transport options for air medical services |

CHAPTER 145

IOWA PHYSICIAN ORDERS FOR SCOPE OF TREATMENT

- | | |
|-------------|------------------------------------|
| 145.1(144D) | Definitions |
| 145.2(144D) | Purpose |
| 145.3(144D) | Responsibilities of the department |

CHAPTERS 146 to 149

Reserved

CHAPTER 150

IOWA REGIONALIZED SYSTEM OF PERINATAL HEALTH CARE

- | | |
|-------------------------|--|
| 150.1(135,77GA,ch1221) | Purpose and scope |
| 150.2(135,77GA,ch1221) | Definitions |
| 150.3(135,77GA,ch1221) | Perinatal guidelines advisory committee |
| 150.4(135,77GA,ch1221) | Categorization and selection of level of care designation |
| 150.5(135,77GA,ch1221) | Recommendation by the statewide perinatal care program |
| 150.6(135,77GA,ch1221) | Level I hospitals |
| 150.7(135,77GA,ch1221) | Level II hospitals |
| 150.8(135,77GA,ch1221) | Level II regional centers |
| 150.9(135,77GA,ch1221) | Level II regional neonatology centers |
| 150.10(135,77GA,ch1221) | Level III centers |
| 150.11(135,77GA,ch1221) | Grant or denial of certificate of verification; and offenses and penalties |
| 150.12(135,77GA,ch1221) | Prohibited acts |
| 150.13(135,77GA,ch1221) | Construction of rules |

CHAPTER 151

TOBACCO USE PREVENTION AND CONTROL COMMUNITY PARTNERSHIP INITIATIVE

- | | |
|-------------|---|
| 151.1(142A) | Scope |
| 151.2(142A) | Community partnership areas |
| 151.3(142A) | Community partnerships |
| 151.4(142A) | Application requirements for community partnerships |
| 151.5(142A) | Performance indicators |
| 151.6(142A) | Application deadline |
| 151.7(142A) | Distribution of funding |
| 151.8(142A) | Gifts |

CHAPTER 152

TOBACCO USE PREVENTION AND CONTROL FUNDING PROCESS

- | | |
|--------------------|-------------------|
| 152.1(78GA,HF2565) | Scope and purpose |
| 152.2(78GA,HF2565) | Funding |
| 152.3(78GA,HF2565) | Appeals |

CHAPTER 153

SMOKEFREE AIR

- | | |
|--------------------|-------------------|
| 153.1(82GA,HF2212) | Purpose and scope |
| 153.2(82GA,HF2212) | Definitions |

- 153.3(82GA,HF2212) Prohibition of smoking
- 153.4(82GA,HF2212) Areas where smoking not regulated
- 153.5(82GA,HF2212) Duties of employers, owners, operators, managers, and persons having custody or control of a public place, place of employment, area declared nonsmoking pursuant to 2008 Iowa Acts, House File 2212, section 5, or outdoor areas where smoking is prohibited
- 153.6(82GA,HF2212) Duties of other state agencies and political subdivisions
- 153.7(82GA,HF2212) Leases
- 153.8(82GA,HF2212) Complaints and enforcement
- 153.9(82GA,HF2212) Limitation of rules

**CHAPTER 154
MEDICAL CANNABIDIOL PROGRAM**

- 154.1(124E) Definitions
 - REGISTRATION CARDS
 - 154.2(124E) Health care practitioner certification—duties
 - 154.3(124E) Medical cannabidiol registration card—application and issuance to patient
 - 154.4(124E) Medical cannabidiol registration card—application and issuance to primary caregiver
 - 154.5(124E) Tamperproofing
 - 154.6(124E) Denial and cancellation
 - 154.7(124E) Appeal
 - 154.8(124E) Duplicate card
 - 154.9(124E) Renewal
 - 154.10(124E) Confidentiality
 - 154.11(124E) Agreement with department of transportation
 - 154.12(124E) Fees
 - 154.13(124E) Use of medical cannabidiol—smoking prohibited
 - 154.14(124E) Form and quantity of medical cannabidiol
 - 154.15 Reserved
- MANUFACTURING
 - 154.16(124E) Duties of the department
 - 154.17(124E) Manufacturer operations
 - 154.18(124E) Security requirements
 - 154.19(124E) Location
 - 154.20(124E) Advertising and marketing
 - 154.21(124E) Packaging and labeling
 - 154.22(124E) Transportation of medical cannabidiol and plant material
 - 154.23(124E) Disposal of medical cannabidiol and plant material
 - 154.24(124E) Record-keeping requirements
 - 154.25(124E) Production requirements
 - 154.26(124E) Quality assurance and control
 - 154.27(124E) Supply and inventory
 - 154.28(124E) Inspection by department or independent consultant
 - 154.29(124E) Assessment of penalties
 - 154.30(124E) Suspension or revocation of a manufacturer license
 - 154.31(124E) Closure of operations
 - 154.32 to 154.39 Reserved
- DISPENSING
 - 154.40(124E) Duties of the department
 - 154.41(124E) Dispensary operations

154.42(124E)	Security requirements
154.43(124E)	Location
154.44(124E)	Advertising and marketing
154.45(124E)	Storage
154.46(124E)	Dispensing
154.47(124E)	Transportation of medical cannabidiol
154.48(124E)	Disposal of medical cannabidiol
154.49(124E)	Record-keeping requirements
154.50(124E)	Quality assurance and control
154.51(124E)	Inventory
154.52(124E)	Inspection by department or independent consultant
154.53(124E)	Assessment of penalties
154.54(124E)	Suspension or revocation of a dispensary license
154.55(124E)	Closure of operations
154.56 to 154.59	Reserved

MEDICAL CANNABIDIOL BOARD

154.60(124E)	Purpose and duties of board
154.61(124E)	Organization of board and proceedings
154.62(124E)	Official communications
154.63(124E)	Office hours
154.64(124E)	Public meetings
154.65(124E)	Petitions for the addition or removal of medical conditions, medical treatments or debilitating diseases

CHAPTER 155

LICENSURE STANDARDS FOR SUBSTANCE USE DISORDER AND PROBLEM GAMBLING TREATMENT PROGRAMS

155.1(125,135)	Definitions
155.2(125,135)	Licensing
155.3(125,135)	Types of licenses
155.4(125,135)	Nonassignability
155.5(125,135)	Application procedures
155.6(125,135)	Technical assistance
155.7(125,135)	Inspection of applicants
155.8(125,135)	License—approval
155.9(125,135)	Written corrective action plan
155.10(125,135)	Grounds for denial of license
155.11(125,135)	Denial, suspension or revocation of a license
155.12(125,135)	Contested case hearing
155.13(125,135)	Rehearing application
155.14(125,135)	Judicial review
155.15(125,135)	Issuance of a license after denial, suspension or revocation
155.16(125,135)	Complaints and investigations
155.17(125,135)	License revision
155.18(125,135)	Deemed status
155.19(125,135)	Funding
155.20(125,135)	Inspection
155.21(125,135)	General standards for all programs
155.22(125,135)	Inpatient and residential program facilities
155.23(125,135)	Specific standards for inpatient and residential programs
155.24(125,135)	Specific standards for inpatient and residential programs licensed to provide services to juveniles

155.25(125,135)	Specific standards for substance use assessment and OWI evaluation-only programs
155.26 to 155.33	Reserved
155.34(125,135)	Specific standards for enhanced treatment services
155.35(125,135)	Specific standards for opioid treatment programs
155.36(125,135)	Purpose
155.37(125,135)	Definitions
155.38(125,135)	Tuberculosis screening of staff and residents

CHAPTER 156

LICENSURE STANDARDS FOR SUBSTANCE ABUSE TREATMENT PROGRAMS IN CORRECTIONAL FACILITIES

156.1(125)	Definitions
156.2(125)	Inspection
156.3(125)	General standards for all correctional substance abuse treatment programs

CHAPTER 157

STANDARDS FOR SUBSTANCE ABUSE TREATMENT AND ASSESSMENT PROGRAMS AND THE OPERATING A MOTOR VEHICLE WHILE INTOXICATED (OWI) LAW

157.1(125)	Definitions
157.2(125)	Screening, evaluation, treatment, and drinking drivers course
157.3(125)	Screening, evaluation, treatment, and drinking drivers course completion
157.4(125)	Cost of evaluation and treatment
157.5(125)	Timeliness
157.6(125)	Confidentiality
157.7(125)	Records
157.8(125)	Reciprocity

CHAPTER 158

REGIONS FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT

158.1(125)	Service areas established
158.2(125)	Request for a change in service areas
158.3(125)	Application
158.4(125)	Notification of affected parties
158.5(125)	Public hearing
158.6(125)	Proposed decision
158.7(125)	Change during term of contract
158.8(125)	State board of health review
158.9(125)	State board of health decision

CHAPTERS 159 to 169

Reserved

CHAPTER 170

ORGANIZATION OF THE DEPARTMENT

170.1(17A,135)	Definitions
170.2(17A,135)	Mission
170.3(17A,136)	State board of health
170.4(17A,135)	Director of the department of public health
170.5(17A,135)	Deputy director
170.6(17A,135)	Executive team
170.7(17A,135)	Administrative divisions of the department
170.8(17A)	Central office

- 170.9(17A) Business hours
- 170.10(17A) Submission of materials
- 170.11(17A) Requests for information

CHAPTER 171
PETITIONS FOR RULE MAKING

- 171.1(17A) Petition for rule making
- 171.2(17A) Briefs
- 171.3(17A) Inquiries
- 171.4(17A) Department consideration

CHAPTER 172
DECLARATORY ORDERS

- 172.1(17A) Petition for declaratory order
- 172.2(17A) Notice of petition
- 172.3(17A) Intervention
- 172.4(17A) Briefs
- 172.5(17A) Inquiries
- 172.6(17A) Service and filing of petitions and other papers
- 172.7(17A) Consideration
- 172.8(17A) Action on petition
- 172.9(17A) Refusal to issue order
- 172.10(17A) Contents of declaratory order—effective date
- 172.11(17A) Copies of orders
- 172.12(17A) Effect of a declaratory order

CHAPTER 173
CONTESTED CASES

- 173.1(17A) Scope and applicability
- 173.2(17A) Definitions
- 173.3(17A) Time requirements
- 173.4(17A) Requests for contested case proceeding
- 173.5(17A) Notice of hearing
- 173.6(17A) Presiding officer
- 173.7(17A) Waiver of procedures
- 173.8(17A) Telephone proceedings
- 173.9(17A) Disqualification
- 173.10(17A) Consolidation—severance
- 173.11(17A) Pleadings
- 173.12(17A) Service and filing of pleadings and other papers
- 173.13(17A) Discovery
- 173.14(17A,135) Subpoenas
- 173.15(17A) Motions
- 173.16(17A) Prehearing conference
- 173.17(17A) Continuances
- 173.18(17A) Withdrawals
- 173.19(17A) Intervention
- 173.20(17A) Hearing procedures
- 173.21(17A) Evidence
- 173.22(17A) Default
- 173.23(17A) Ex parte communication
- 173.24(17A) Recording costs
- 173.25(17A) Interlocutory appeals

173.26(17A)	Final decision
173.27(17A)	Appeals and review
173.28(17A)	Applications for rehearing
173.29(17A)	Stays of department actions
173.30(17A)	No factual dispute contested cases
173.31(17A)	Emergency adjudicative proceedings

CHAPTER 174
AGENCY PROCEDURE FOR RULE MAKING
(Uniform Rules)

174.3(17A)	Public rule-making docket
174.4(17A)	Notice of proposed rule making
174.5(17A)	Public participation
174.6(17A)	Regulatory flexibility analysis
174.11(17A)	Concise statement of reasons
174.13(17A)	Agency rule-making record

CHAPTER 175
FAIR INFORMATION PRACTICES AND PUBLIC RECORDS

175.1(17A,22)	Definitions
175.2(17A,22)	Statement of policy
175.3(17A,22)	Requests for access to records
175.4(17A,22)	Access to confidential records
175.5(17A,22)	Requests for treatment of a record as a confidential record and its withholding from examination
175.6(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
175.7(17A,22)	Consent to disclosure by the subject of a confidential record
175.8(17A,22)	Notice to suppliers of information
175.9(17A,22)	Disclosures without the consent of the subject
175.10(17A,22)	Routine use
175.11(17A,22)	Consensual disclosure of confidential records
175.12(17A,22)	Release to subject
175.13(17A,22)	Availability of records
175.14(17A,22)	Personally identifiable information
175.15(17A,22)	Other groups of records
175.16(17A,22)	Data processing systems
175.17(17A,22)	Applicability

CHAPTER 176
CRITERIA FOR AWARDS OR GRANTS

176.1(135,17A)	Purpose
176.2(135,17A)	Definitions
176.3(135,17A)	Exceptions
176.4(135,17A)	Requirements
176.5(135,17A)	Review process (competitive applications only)
176.6	Reserved
176.7(135,17A)	Public notice of available funds
176.8(135,17A)	Appeals

**CHAPTER 177
HEALTH DATA**

177.1(76GA,ch1212)	Purpose
177.2(76GA,ch1212)	Definitions
177.3(76GA,ch1212)	Description of data to be submitted
177.4(76GA,ch1212)	Department studies
177.5(76GA,ch1212)	Fees
177.6(76GA,ch1212)	Patient confidentiality
177.7	Reserved
177.8(76GA,ch1212)	Address and specification for data submissions

**CHAPTER 178
VARIANCES AND WAIVERS OF PUBLIC HEALTH
ADMINISTRATIVE RULES**

178.1(17A,135)	Waivers
178.2(17A,135)	Sample petition for waiver

**CHAPTER 179
COLLECTION OF DELINQUENT DEBTS**

179.1(8A)	Authorization
179.2(8A)	Definitions
179.3(8A)	Liability file
179.4(8A)	Notification of offset
179.5(8A)	Request to divide a jointly or commonly owned right to payment
179.6(8A)	Appeal process
179.7(8A)	Notice of offset

**CHAPTERS 180 to 185
Reserved**

**CHAPTER 186
GOVERNMENTAL PUBLIC HEALTH ADVISORY COUNCIL**

186.1(135A)	Purpose
186.2(135A)	Definitions
186.3(135A)	Roles and responsibilities of the council
186.4(135A)	Officers
186.5(135A)	Members of the council
186.6(135A)	Meetings
186.7(135A)	Conflict of interest
186.8(135A)	Subcommittees
186.9(135A)	Roles and responsibilities of the department

**CHAPTERS 187 to 190
Reserved**

**CHAPTER 191
ADVISORY BODIES OF THE DEPARTMENT**

191.1(135)	Definitions
191.2(135)	Purpose
191.3(135)	Appointment
191.4(135)	Officers
191.5(135)	Meetings
191.6(135)	Subcommittees

- 191.7(135) Expenses of advisory body members
 191.8(135) Gender balance

CHAPTER 192
CHILD SUPPORT NONCOMPLIANCE

- 192.1(252J) Definitions
 192.2(252J) Issuance or renewal of a license—denial
 192.3(252J) Suspension or revocation of a license
 192.4(17A,22,252J) Sharing of information

CHAPTER 193
IMPAIRED PRACTITIONER REVIEW COMMITTEE

- 193.1(272C) Definitions
 193.2(272C) Purpose
 193.3(272C) Composition of the committee
 193.4(272C) Eligibility
 193.5(272C) Terms of participation in the impaired practitioner recovery program
 193.6(272C) Limitations
 193.7(272C) Confidentiality

CHAPTER 194
NONPAYMENT OF STATE DEBT

- 194.1(272D) Definitions
 194.2(272D) Issuance or renewal of a license—denial
 194.3(272D) Suspension or revocation of a license
 194.4(272D) Sharing of information

CHAPTER 195
**STUDENT LOAN DEFAULT/NONCOMPLIANCE WITH AGREEMENT
 FOR PAYMENT OF OBLIGATION**

- 195.1(261) General definitions
 195.2(261) Issuance or renewal of a license—denial
 195.3(261) Suspension or revocation of a license
 195.4(17A,22,261) Sharing of information

CHAPTER 196
MILITARY SERVICE AND VETERAN RECIPROCITY

- 196.1(85GA,ch1116) Definitions
 196.2(85GA,ch1116) Military education, training, and service credit
 196.3(85GA,ch1116) Veteran reciprocity

CHAPTERS 197 to 201
Reserved

CHAPTER 202
CERTIFICATE OF NEED PROGRAM

- 202.1(135) Definitions
 202.2(135) Letter of intent
 202.3(135) Determination of reviewability
 202.4(135) Submission of application
 202.5(135) Organizational procedures
 202.6(135) Public hearing on application
 202.7(135) Summary review
 202.8(135) Extension of review time

- 202.9(135) Rehearing of certificate of need decision
- 202.10(135) Status reports to affected persons
- 202.11(135) Finality
- 202.12(135) Project progress reports
- 202.13(135) Request for extension of certificate
- 202.14(135) Application changes after approval
- 202.15(135) Sanctions
- 202.16(135) Reporting requirements

CHAPTER 203

STANDARDS FOR CERTIFICATE OF NEED REVIEW

- 203.1 Reserved
- 203.2(135) Cardiac catheterization and cardiovascular surgery standards
- 203.3(135) Radiation therapy or radiotherapy standards
- 203.4(135) Computerized tomography standards
- 203.5(135) Long-term care
- 203.6 and 203.7 Reserved
- 203.8(135) Financial and economic feasibility
- 203.9 to 203.11 Reserved
- 203.12(135) Magnetic resonance imaging services standards
- 203.13(135) Positron emission tomography services standards

CHAPTER 75
STATEWIDE OBSTETRICAL AND
NEWBORN INDIGENT PATIENT CARE PROGRAM
Rescinded **ARC 3603C**, IAB 1/31/18, effective 3/7/18

CHAPTER 82
OFFICE OF MINORITY AND MULTICULTURAL HEALTH
Rescinded **ARC 3604C**, IAB 1/31/18, effective 3/7/18

CHAPTER 83
EARLY CHILDHOOD IOWA COUNCIL
Rescinded IAB 6/2/10, effective 7/7/10

CHAPTER 84
STATE SUBSTITUTE MEDICAL DECISION-MAKING BOARD
Rescinded IAB 6/2/10, effective 7/7/10

CHAPTER 85
LOCAL SUBSTITUTE MEDICAL DECISION-MAKING BOARDS
Rescinded **ARC 3605C**, IAB 1/31/18, effective 3/7/18

CHAPTER 154
MEDICAL CANNABIDIOL PROGRAM

641—154.1(124E) Definitions. For the purposes of these rules, the following definitions shall apply:

“*Accredited nonpublic school*” means any nonpublic school accredited by the Iowa state board of education, excluding home schools.

“*Audit*” means a financial review by an independent certified public accountant that includes select scope engagement or other methods of review that analyze operational or compliance issues.

“*Background investigation*” means a thorough review of an entity, owner, investors, and employees conducted by the department of public safety, including but not limited to state and national criminal history records, credit records, and internal revenue service records.

“*Batch*” means a set of cannabis plants that are grown, harvested, and processed together, such that they are exposed to substantially similar conditions throughout cultivation and processing.

“*Batch number*” means a unique numeric or alphanumeric identifier assigned to a batch of cannabis plants by a manufacturer when the batch is first planted. The batch number shall contain the manufacturer’s number and a sequence to allow for inventory and traceability.

“*Biosecurity*” means a set of preventative measures designed to reduce the risk of transmission of:

1. Infectious diseases in crops;
2. Quarantined pests;
3. Invasive alien species;
4. Living modified organisms.

“*Bordering state*” means the same as defined in Iowa Code section 331.910.

“*Cannabis*” means seeds, plants, cuttings, or plant waste material from *Cannabis sativa* L. or *Cannabis indica* used in the manufacture of medical cannabidiol.

“*Crop input*” means any substance applied to or used in the cultivation and growth of a cannabis plant. “*Crop input*” includes, but is not limited to, pesticides, fungicides, fertilizers, and other soil or medium amendments.

“*Date of expiration*” means one year from the date of issuance of the medical cannabidiol registration card by the department of transportation.

“*Date of issuance*” means the date of issuance of the medical cannabidiol registration card by the department of transportation.

“*Debilitating medical condition*” means any of the following:

1. Cancer, if the underlying condition or treatment produces one or more of the following:
 - Severe or chronic pain.
 - Nausea or severe vomiting.
 - Cachexia or severe wasting.
2. Multiple sclerosis with severe and persistent muscle spasms.
3. Seizures, including those characteristic of epilepsy.
4. AIDS or HIV as defined in Iowa Code section 141A.1.
5. Crohn’s disease.
6. Amyotrophic lateral sclerosis.
7. Any terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - Severe or chronic pain.
 - Nausea or severe vomiting.
 - Cachexia or severe wasting.
8. Parkinson’s disease.
9. Untreatable pain.

“*Department*” means the Iowa department of public health.

“*Department of transportation*” means the Iowa department of transportation.

“*Director*” means the director of the Iowa department of public health.

“Dispensary” means an individual or entity licensed by the department to dispense medical cannabidiol to patients and primary caregivers pursuant to Iowa Code chapter 124E and these rules. “Dispensary” includes the employees and agents of the dispensary.

“Dispensary facility” means any secured building, space, grounds, and physical structure of a dispensary licensed by the department to dispense medical cannabidiol and where the dispensing of medical cannabidiol is authorized.

“Dispense” or *“dispensing”* means to supply medical cannabidiol to patients pursuant to Iowa Code chapter 124E and these rules.

“Disqualifying felony offense” means a violation under federal or state law of a felony under federal or state law, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6).

“Edible medical cannabidiol products” means food items containing medical cannabidiol. “Edible medical cannabidiol products” does not include pills, tinctures, oils, or other forms of medical cannabidiol that may be consumed orally or through the nasal cavity that do not contain food or food additives; provided that food or food additives used as carriers, excipients, or processing aids shall not be considered food or food additives.

“Form and quantity” means the types and amounts of medical cannabidiol allowed to be dispensed to a patient or primary caregiver as approved by the department subject to recommendation by the medical cannabidiol board and approval by the board of medicine.

“Health care practitioner” means an individual licensed under Iowa Code chapter 148 to practice medicine and surgery or osteopathic medicine and surgery who is a patient’s primary care provider. “Health care practitioner” shall not include a physician assistant licensed under Iowa Code chapter 148C or an advanced registered nurse practitioner licensed pursuant to Iowa Code chapter 152 or 152E.

“Inspection” means an on-site evaluation by the department, the department of public safety, or a department-approved independent consultant of facilities, records, personnel, equipment, methodology, and quality assurance practices for compliance with these rules.

“International Electrotechnical Commission” or *“IEC”* means an independent, nongovernmental membership organization that prepares and publishes international standards for all electrical, electronic, and related technologies.

“International Organization for Standardization” or *“ISO”* means an independent, nongovernmental membership organization and the largest developer of voluntary international standards.

“Laboratory” means the state hygienic laboratory at the University of Iowa or other independent medical cannabidiol testing facility accredited to Standard ISO/IEC 17025 by an ISO-approved accrediting body, with a controlled substance registration certificate from the Drug Enforcement Administration of the U.S. Department of Justice and a certificate of registration from the Iowa board of pharmacy, and approved by the department to examine, analyze, or test samples of medical cannabidiol or any substance used in the manufacture of medical cannabidiol.

“Lot” means a specific quantity of medical cannabidiol that is uniform and intended to meet specifications for identity, strength, purity, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling record.

“Lot number” means a unique numeric or alphanumeric identifier assigned to a lot by a manufacturer when medical cannabidiol is produced. The lot number shall contain the manufacturer’s number and a sequence to allow for inventory, traceability, and identification of the plant batches used in the production of a lot of medical cannabidiol.

“Manufacture” or *“manufacturing”* means the process of converting harvested cannabis plant material into medical cannabidiol.

“Manufacturer” means an individual or entity licensed by the department to produce medical cannabidiol and distribute it to dispensaries pursuant to Iowa Code chapter 124E and these rules. “Manufacturer” includes the employees and agents of the manufacturer.

“Manufacturing facility” means any secured building, space, grounds, and physical structure of a manufacturer for the cultivation, harvesting, packaging, processing, storage, and distribution of cannabis or medical cannabidiol and where access is restricted to designated employees of a manufacturer and escorted visitors.

“Market withdrawal” means the voluntary removal of medical cannabidiol from dispensaries and patients by a manufacturer for minor issues that do not pose a serious health threat.

“Medical assistance program” means IA Health Link, Medicaid Fee-for-Service, or HAWK-I, as administered by the Iowa Medicaid enterprise of the Iowa department of human services.

“Medical cannabidiol” means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa L.* or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than 3 percent and that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and designated in this chapter.

“Medical cannabidiol waste” means medical cannabidiol that is returned, damaged, defective, expired, or contaminated.

“National criminal history background check” means fingerprint processing through the department of public safety and the Federal Bureau of Investigation (FBI) and review of records on file with national organizations, courts, and law enforcement agencies to the extent allowed by law.

“Patient” means a person who is a permanent resident of the state of Iowa who suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol pursuant to Iowa Code chapter 124E and these rules.

“Permanent resident” means a natural person who physically resides in Iowa as the person’s principal and primary residence and who establishes evidence of such residency by providing the department with one of the following:

1. A valid Iowa driver’s license,
2. A valid Iowa nonoperator’s identification card,
3. A valid Iowa voter registration card,
4. A current Iowa vehicle registration certificate,
5. A utility bill,
6. A statement from a financial institution,
7. A residential lease agreement,
8. A check or pay stub from an employer,
9. A child’s school or child care enrollment documents,
10. Valid documentation establishing a filing for homestead or military tax exemption on property located in Iowa, or
11. Other valid documentation as deemed acceptable by the department to establish residency.

“Plant material” means any cannabis plant, cutting, trimming, or clone that has roots or that is cultivated with the intention of growing roots.

“Plant material waste” means plant material that is not used in the production of medical cannabidiol in a form allowable under these rules.

“Primary caregiver” means a person who is a resident of this state or a bordering state, including but not limited to a parent or legal guardian, at least 18 years of age, who has been designated by a patient’s health care practitioner as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of Iowa Code chapter 124E and these rules.

“Primary care provider” means any health care practitioner involved in the diagnosis and treatment of a patient’s debilitating medical condition.

“Production” or “produce” means:

1. Cultivating or harvesting plant material;
2. Processing or manufacturing; or
3. Packaging of medical cannabidiol.

“Public or private school” means any property operated by a school district, charter school, or accredited nonpublic school for purposes related to elementary, middle, or secondary schools or secondary vocation centers.

“Recall” means the return of medical cannabidiol from patients and dispensaries to a manufacturer because of the potential for serious health consequences from the use of the medical cannabidiol.

“Restricted access area” means a building, room, or other contiguous area on the premises where plant material is grown, cultivated, harvested, stored, packaged, or processed for sale under control of the manufacturer, and where no person under the age of 18 is permitted.

“State” means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Untreatable pain” means any pain whose cause cannot be removed and, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used without adequate result or with intolerable side effects.

“Written certification” means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 3606C, IAB 1/31/18, effective 3/7/18]

REGISTRATION CARDS

641—154.2(124E) Health care practitioner certification—duties.

154.2(1) Prior to a patient’s submission of an application for a medical cannabidiol registration card pursuant to this rule, a health care practitioner shall do all of the following:

a. Determine, in the health care practitioner’s medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol as defined by this chapter, and if so determined, provide the patient with a written certification of that diagnosis by completing the health care practitioner section of the application form provided for this purpose on the department’s website (www.idph.iowa.gov).

b. Provide explanatory information to the patient as provided on the department’s website (www.idph.iowa.gov) about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.

154.2(2) Subsequently, the health care practitioner shall do the following:

a. Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.

b. Otherwise comply with all requirements in this chapter and requests from the department for more information.

154.2(3) A health care practitioner may provide, but has no duty to provide, a written certification pursuant to this rule.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.3(124E) Medical cannabidiol registration card—application and issuance to patient.

154.3(1) Subject to subrule 154.3(7), the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to a patient who:

a. Is at least 18 years of age.

b. Is a permanent resident of Iowa.

c. Submits a written certification to the department, provided to the patient pursuant to rule 641—154.2(124E) and signed by the patient’s health care practitioner certifying that the patient is suffering from a debilitating medical condition.

d. Submits an application to the department, on a form created by the department in consultation with the department of transportation and available at the department’s website (www.idph.iowa.gov), that contains all of the following:

(1) The patient's full legal name, Iowa residence address, mailing address (if different from the patient's residence address), telephone number, date of birth, and sex designation. The patient shall not provide as a mailing address an address for which a forwarding order is in place.

(2) A copy of the patient's valid photo identification. Acceptable photo identification includes:

1. A valid Iowa driver's license,
2. A valid Iowa nonoperator's identification card, or

3. An alternative form of valid photo identification. A patient who possesses or is eligible for an Iowa driver's license or an Iowa nonoperator's identification card shall present such document as valid photo identification. A patient who is ineligible to obtain an Iowa driver's license or an Iowa nonoperator's identification card may apply for an exemption and request submission of an alternative form of valid photo identification. A patient who applies for an exemption is subject to verification of the patient's identity through a process established by the department and the department of transportation to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

(3) Full name, address, and telephone number of the patient's health care practitioner.

(4) Full legal name, residence address, date of birth, and telephone number of each primary caregiver of the patient, if any.

(5) An attestation as to the truthfulness and accuracy of the information provided by the patient on the application.

e. Has not been convicted of a disqualifying felony offense.

f. Submits the required fee, as described in subrule 154.12(1).

154.3(2) Upon the completion, verification, and approval of the patient's application and the receipt of the required fee, the department shall notify the department of transportation that the patient may be issued a medical cannabidiol registration card.

154.3(3) A medical cannabidiol registration card issued to a patient by the department of transportation shall contain all of the following:

a. The patient's full legal name, Iowa residence address, date of birth, and sex designation, as shown on the patient's Iowa driver's license, nonoperator's identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1) "d"(2)"3." If the patient's name, Iowa residence address, date of birth, or sex designation has changed since the issuance of the patient's Iowa driver's license, nonoperator's identification card, or alternative form of valid photo identification, the patient shall first update the patient's Iowa driver's license or nonoperator's identification card to reflect the current information, according to the procedures set forth in 761—subrule 605.11(2), 761—subrule 605.25(4), or rule 761—630.3(321), or shall update the alternative form of valid photo identification in accordance with the process of the issuing agency.

b. The date of issuance and the date of expiration, which shall be one year from the date of issuance.

c. A distinguishing registration number that is not the patient's social security number.

d. The patient's signature. The signature shall be without qualification and shall contain only the patient's usual signature without any other titles, characters, or symbols. The patient's signature certifies, under penalty of perjury and pursuant to the laws of the state of Iowa, that the statements made and information provided in the patient's application for a medical cannabidiol registration card are true and correct. The patient's signature shall be captured electronically.

e. A color photograph of the patient.

f. A statement that the medical cannabidiol registration card is not valid for identification purposes.

154.3(4) Every patient 18 years of age or older must obtain a valid medical cannabidiol registration card to use medical cannabidiol in Iowa.

154.3(5) An authorization to use medical cannabidiol or marijuana for medicinal purposes issued by another state, territory, or jurisdiction does not satisfy the requirements of Iowa Code chapter 124E or these rules for the issuance of a medical cannabidiol registration card.

154.3(6) A valid medical cannabidiol registration card, or its equivalent, issued under the laws of another state that allow an out-of-state patient to possess or use medical cannabidiol in the jurisdiction

of issuance shall have the same force and effect as a valid medical cannabidiol registration card issued pursuant to Iowa Code chapter 124E, except that an out-of-state patient in Iowa shall not obtain medical cannabidiol from a medical cannabidiol dispensary in Iowa.

154.3(7) The department shall not approve the issuance of a medical cannabidiol registration card for a patient who is enrolled in a federally approved clinical trial for the treatment of a debilitating medical condition with medical cannabidiol.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.4(124E) Medical cannabidiol registration card—application and issuance to primary caregiver.

154.4(1) For a patient in a primary caregiver's care, the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to a primary caregiver who:

- a. Is at least 18 years of age.
- b. Submits a written certification to the department, provided to the patient pursuant to rule 641—154.2(124E) and signed by the patient's health care practitioner certifying that the patient is suffering from a debilitating medical condition.
- c. Submits an application as a primary caregiver for each patient for whom the person is the primary caregiver. The primary caregiver application must be on a form created by the department in consultation with the department of transportation and available at the department's website (www.idph.iowa.gov) that contains all of the following:

(1) The primary caregiver's full legal name, residence address, mailing address (if different from the primary caregiver's residence address), telephone number, date of birth, and sex designation. The primary caregiver shall not provide as a mailing address an address for which a forwarding order is in place.

(2) The patient's full legal name, date of birth, and parent or legal guardian's name if the patient is under the age of 18.

(3) A copy of the primary caregiver's valid photo identification. Acceptable photo identification includes:

1. A valid Iowa driver's license,
2. A valid Iowa nonoperator's identification card,
3. If the primary caregiver is not a resident of the state of Iowa, a valid state-issued driver's license or nonoperator's identification card issued by a state other than Iowa, or
4. An alternative form of valid photo identification. A primary caregiver who possesses or is eligible for a driver's license or a nonoperator's identification card shall present such document as valid photo identification. A primary caregiver who is ineligible to obtain a driver's license or a nonoperator's identification card may apply for an exemption and request submission of an alternative form of valid photo identification. A primary caregiver who applies for an exemption is subject to verification of the primary caregiver's identity through a process established by the department and the department of transportation to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

(4) Full name, address, and telephone number of the patient's health care practitioner.

(5) An attestation as to the truthfulness and accuracy of the information provided by the primary caregiver on the application.

- d. Has not been convicted of a disqualifying felony offense.
- e. Submits the required fee, as described in subrule 154.12(2).

154.4(2) Upon the completion, verification, and approval of the primary caregiver's application, the department shall notify the department of transportation that the primary caregiver may be issued a medical cannabidiol registration card.

154.4(3) A medical cannabidiol registration card issued to a primary caregiver by the department of transportation shall contain all of the following:

a. The primary caregiver's full legal name, current residence address, date of birth, and sex designation, as shown on the primary caregiver's state-issued driver's license, nonoperator's

identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.4(1)“c”(3)“4.” If the primary caregiver’s name, current residence address, date of birth, or sex designation has changed since issuance of the primary caregiver’s Iowa-issued driver’s license, nonoperator’s identification card, or other form of valid photo identification, the primary caregiver shall first update the primary caregiver’s Iowa-issued driver’s license or nonoperator’s identification card according to the procedures set forth in 761—subrule 605.11(2), 761—subrule 605.25(4), or rule 761—630.3(321) or update the alternative form of valid photo identification in accordance with the process of the issuing agency.

b. The date of issuance and the date of expiration, which shall be one year from the date of issuance.

c. A distinguishing registration number that is not the primary caregiver’s social security number.

d. The medical cannabidiol registration number for each patient in the primary caregiver’s care. This number shall not be the primary caregiver’s or patient’s social security number. If the patient in the primary caregiver’s care is under the age of 18, the full name of the patient’s parent or legal guardian shall be printed on the primary caregiver’s registration card in lieu of the patient’s medical cannabidiol registration number.

e. The primary caregiver’s signature. The signature shall be without qualification and shall contain only the primary caregiver’s usual signature without any other titles, characters, or symbols. The primary caregiver’s signature certifies, under penalty of perjury and pursuant to the laws of the state of Iowa, that the statements made and information provided in the primary caregiver’s application for a medical cannabidiol registration card are true and correct. The primary caregiver’s signature shall be captured electronically.

f. A color photograph of the primary caregiver.

g. A statement that the medical cannabidiol registration card is not valid for identification purposes.

h. A statement distinguishing the medical cannabidiol registration cardholder as a primary caregiver.

154.4(4) A patient who is 18 years of age or older must have an approved application and a distinguishing medical cannabidiol registration number that is not the patient’s social security number prior to the issuance of a medical cannabidiol registration card to the patient’s primary caregiver.

154.4(5) An authorization to use, or to act as a primary caregiver for a patient authorized to use, cannabidiol or marijuana for medicinal purposes issued by another state, territory, or jurisdiction does not satisfy the requirements of Iowa Code chapter 124E or these rules for the issuance of a medical cannabidiol registration card.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.5(124E) Tamperproofing. The department of transportation shall issue a medical cannabidiol registration card by a method or process which prevents as nearly as possible the alteration, reproduction, or superimposition of a photograph on the cannabidiol registration card without ready detection.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.6(124E) Denial and cancellation. The department may deny an application for a medical cannabidiol registration card, or may cancel or direct the department of transportation to cancel a medical cannabidiol registration card, for any of the following reasons:

1. Information contained in the application is illegible, incomplete, falsified, misleading, deceptive, or untrue.

2. The department or the department of transportation is unable to verify the identity of the applicant from the photo identification or other documentation presented pursuant to paragraph 154.3(1)“d”(2)“3” or 154.4(1)“c”(3)“4.”

3. The applicant violates or fails to satisfy any of the provisions of Iowa Code chapter 124E or these rules.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.7(124E) Appeal. If the department denies an application for or cancels a medical cannabidiol registration card, the department shall inform the applicant or cardholder of the denial or cancellation and state the reasons for the denial or cancellation in writing. An applicant or cardholder may appeal the denial or cancellation of a medical cannabidiol registration card by submitting a request for appeal to the department by certified mail, return receipt requested, within 20 days of receipt of the notice of denial or cancellation. The department's address is Iowa Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075. Upon receipt of a request for appeal, the department shall forward the request within five working days to the department of inspections and appeals. A contested case hearing shall be conducted in accordance with 641—Chapter 173.
[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.8(124E) Duplicate card.

154.8(1) Lost, stolen, or destroyed card. To replace a medical cannabidiol registration card that is lost, stolen, or destroyed, a cardholder shall present to the department of transportation the cardholder's valid state-issued driver's license, nonoperator's identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1) "d"(2)"3" or 154.4(1) "c"(3)"4."

154.8(2) Change in card information and voluntary replacement.

a. To replace a medical cannabidiol registration card that is damaged, the cardholder shall surrender to the department of transportation the card to be replaced and present the cardholder's valid state-issued driver's license, nonoperator's identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1) "d"(2)"3" or 154.4(1) "c"(3)"4."

b. A patient or primary caregiver to whom a medical cannabidiol registration card is issued shall notify the department of a change in current residence address, name, or sex designation listed on the card, within ten calendar days of the change. To replace a medical cannabidiol registration card to change the current residence address, name, or sex designation listed on the card, the cardholder shall surrender to the department of transportation the card to be replaced and present a valid state-issued driver's license, nonoperator's identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1) "d"(2)"3" or 154.4(1) "c"(3)"4" that has been updated according to the procedures established by the state or agency of issuance to reflect the requested residence address, name, or sex designation.

c. To replace a medical cannabidiol registration card held by a primary caregiver to change, add, or remove a patient's medical cannabidiol registration number or the name of a patient's parent or legal guardian listed on the primary caregiver's card, the primary caregiver shall submit a new application to the department pursuant to rule 641—154.4(124E). A medical cannabidiol registration card issued pursuant to this paragraph shall not be considered a duplicate card.

154.8(3) Expiration date. A duplicate medical cannabidiol registration card shall have the same expiration date as the medical cannabidiol registration card being replaced, changed, or amended.
[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.9(124E) Renewal. A medical cannabidiol registration card shall be valid for one year from the date of issuance unless canceled pursuant to rule 641—154.6(124E).

154.9(1) A cardholder seeking renewal of a medical cannabidiol registration card shall submit a renewal application and fee to the department at least 60 days prior to the date of expiration.

a. A patient applying for renewal of a medical cannabidiol registration card shall submit a renewal application and fee to the department on a form approved by the department.

b. A primary caregiver applying for a renewal of a medical cannabidiol registration card shall submit a renewal application and fee to the department on a form approved by the department.

154.9(2) A cardholder who fails to renew the medical cannabidiol registration card may not lawfully possess medical cannabidiol pursuant to this chapter.
[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.10(124E) Confidentiality. The department shall maintain a confidential file of the names of each patient to or for whom the department approves the issuance of a medical cannabidiol registration

card and the name of each primary caregiver to whom the department issues a medical cannabidiol registration card under Iowa Code section 124E.4.

154.10(1) Personally identifiable information of patients and primary caregivers shall be maintained as confidential and is not accessible to the public. The department and the department of transportation shall release aggregate and statistical information regarding the medical cannabidiol act registration card program in a manner which prevents the identification of any patient or primary caregiver.

154.10(2) Personally identifiable information of patients and primary caregivers may be disclosed under the following limited circumstances:

a. To authorized employees or agents of the department and the department of transportation as necessary to perform the duties of the department and the department of transportation pursuant to Iowa Code chapter 124E.

b. To authorized employees of state or local law enforcement agencies located in Iowa, solely for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to Iowa Code chapter 124E.

c. To a patient, primary caregiver, or health care practitioner, upon written authorization of the patient or primary caregiver.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.11(124E) Agreement with department of transportation. The department may enter into a chapter 28E agreement with the department of transportation to facilitate the issuance of medical cannabidiol registration cards. The agreement may include provisions which govern the issuance, denial, and cancellation of medical cannabidiol registration cards, the sharing of information between the department and the department of transportation, and reimbursement for costs incurred by the department of transportation for issuing the card.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.12(124E) Fees. All fees are nonrefundable.

154.12(1) Patient medical cannabidiol registration card fee.

a. Each application fee is \$100 unless the patient qualifies for a reduced fee as described in paragraph 154.12(1) "b."

b. Each reduced application fee is \$25 if the patient attests to receiving social security disability benefits, supplemental security income payments, or is enrolled in the medical assistance program as defined in rule 641—154.1(124E).

c. Each renewal fee is the same as the initial card application fee.

154.12(2) Primary caregiver medical cannabidiol registration card fee.

a. Each application fee is \$25.

b. Each renewal fee is \$25.

[ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.13(124E) Use of medical cannabidiol—smoking prohibited. A patient shall not consume medical cannabidiol possessed or used pursuant to Iowa Code chapter 124E by smoking medical cannabidiol.

[ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.14(124E) Form and quantity of medical cannabidiol.

154.14(1) Patient. A patient in possession of a valid medical cannabidiol registration card issued pursuant to this chapter shall not possess a quantity of medical cannabidiol in excess of 32 ounces.

154.14(2) Primary caregiver. A primary caregiver in possession of a valid medical cannabidiol registration card issued pursuant to this chapter shall not possess a quantity of medical cannabidiol in excess of 32 ounces for each patient for whom the person is registered as a primary caregiver.

154.14(3) Form and quantity. The form and quantity of medical cannabidiol authorized in this rule may be modified pursuant to recommendations by the medical cannabidiol board established pursuant to Iowa Code chapter 124E and subsequent approval of the recommendations by the board of medicine.

[ARC 3150C, IAB 7/5/17, effective 6/13/17]

641—154.15 Reserved.

MANUFACTURING

641—154.16(124E) Duties of the department.

154.16(1) Interagency agreements. The department may enter into any interagency agreements with other state agencies for technical services or other assistance related to the regulation or inspection of manufacturers.

154.16(2) Notice to law enforcement. The department shall notify local law enforcement agencies and the department of public safety of the locations of manufacturers. If the department determines there is a threat to public safety, the department shall notify local law enforcement agencies and the department of public safety of any conditions that pose a threat to public safety, including but not limited to:

- a. Loss or theft of medical cannabidiol or plant material;
- b. Diversion or potential diversion of medical cannabidiol or plant material;
- c. Unauthorized access to the secure sales and inventory tracking system or other patient and caregiver information system or file; or
- d. Other violations of law.

154.16(3) Inspection of manufacturers. The department or its agents shall conduct regular inspections of manufacturers and manufacturing facilities as described in rule 641—154.28(124E).

154.16(4) Establishment and maintenance of a secure sales and inventory tracking system. The department shall establish and maintain a secure, electronic system that is available 24 hours a day, seven days a week to track:

- a. Inventory of plant material, medical cannabidiol, and waste material;
- b. Transport of plant material, waste material, and laboratory samples;
- c. Application and use of crop inputs and other solvents and chemicals;
- d. Sales of medical cannabidiol to dispensaries;
- e. Sales of medical cannabidiol from dispensaries to patients and primary caregivers.

154.16(5) Licensure and licensure renewal of manufacturers. The department shall issue a request for proposals to select and license by December 1, 2017, up to two manufacturers to manufacture and to possess, cultivate, harvest, transport, package, process, and supply medical cannabidiol within the state consistent with the provisions of Iowa Code chapter 124E and these rules.

a. To be eligible for licensure, an applicant manufacturer shall provide information on forms and in a manner required by the department of public safety for the completion of a background investigation. In addition, the applicant manufacturer shall submit to the department of public safety necessary funds to satisfy the full reimbursement of costs associated with completing the background investigations. If an applicant manufacturer is not found suitable for licensure as a result of the background investigation, a license shall not be issued by the department.

b. As a condition for licensure, an applicant manufacturer shall agree to begin supplying medical cannabidiol to licensed medical cannabidiol dispensaries in Iowa no later than December 1, 2018.

c. The initial license to manufacture medical cannabidiol shall be valid from December 1, 2017, through November 30, 2018. The license shall be renewed annually unless a manufacturer relinquishes the license, there is a change in state law prohibiting the department from renewing the license, or the license is revoked pursuant to Iowa Code chapter 124E or these rules.

d. A license to manufacture issued by the department pursuant to these rules is not assignable or transferable.

e. The department shall consider the following factors in determining whether to select and license a medical cannabidiol manufacturer:

- (1) The technical expertise of an applicant manufacturer regarding medical cannabidiol;
- (2) The qualifications of an applicant manufacturer's employees;
- (3) The long-term financial stability of an applicant manufacturer;
- (4) The ability to provide appropriate security measures on the premises of an applicant manufacturer;

(5) Whether an applicant manufacturer has demonstrated an ability to meet certain medical cannabidiol production needs for medical use regarding the range of recommended dosages for each debilitating medical condition, the range of chemical compositions of any plant of the genus cannabis that will likely be medically beneficial for each of the debilitating medical conditions, and the form or forms of medical cannabidiol that may be appropriate for the approved debilitating medical conditions;

(6) An applicant manufacturer's projection of and ongoing assessment of wholesale product costs.

f. Pursuant to Iowa Code section 124E.6(1)"b," information submitted during the application process shall be confidential until the licensure process is completed unless otherwise protected from disclosure under state or federal law.

g. A licensed manufacturer shall submit an application to renew its license with the department at least six months before the license expires. The application shall be submitted on a form created by the department.

h. The department shall notify a manufacturer of the decision to approve or deny the manufacturer's license by August 1 of the year in which the renewal application is submitted.

154.16(6) Collection of fees from manufacturers. Except as provided in this rule, all fees are nonrefundable, shall be retained by the department, and shall be considered repayment receipts as defined in Iowa Code section 8.2.

a. *Fees to the department.*

(1) Each application for licensure as a manufacturer shall include a nonrefundable application fee of \$7,500.

(2) Licensed manufacturers shall pay an annual fee to the department to cover costs associated with regulating and inspecting manufacturers and for other expenses necessary for the administration of the medical cannabidiol program. The department shall assess the fee with the notice of approval of license renewal each year by August 1, payable by the manufacturer to the department no later than December 1.

b. *Fees to the department of public safety.*

(1) An applicant manufacturer shall be responsible to reimburse the department of public safety the full cost of conducting background investigations related to an application for licensure and operation as a licensed manufacturer. The department of public safety shall retain the right to bill a manufacturer for additional background investigations, as needed.

(2) Each manufacturer submitting an application for licensure shall, at the time of application, submit to the department of public safety a deposit of \$10,000 for each business owner subject to a background investigation and a national criminal history background check. Background investigation costs shall be deducted from the funds deposited. If the background investigation fees exceed the funds deposited, the applicant shall submit additional funds as required by the department of public safety. If the background investigation fees are less than the funds deposited, the department of public safety may refund or retain the fees as mutually agreed with the manufacturer.

(3) A licensed manufacturer shall pay a deposit of \$200 per employee to the department of public safety for a background investigation and a national criminal history background check on any person being considered for hire as an employee of the manufacturer. Background investigation costs shall be deducted from the funds deposited. If the background investigation fees exceed the funds deposited, the manufacturer shall submit additional funds as required by the department of public safety. If the background investigation fees are less than the funds deposited, the department of public safety may refund or retain the fees as mutually agreed with the manufacturer. The department shall retain the right to preclude a potential employee from hire based upon the results of the background investigation and national criminal history background check.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.17(124E) Manufacturer operations.

154.17(1) Operating documents. The operating documents of a manufacturer shall include all of the following:

a. Procedures for the oversight of the manufacturer, including descriptions of operational and management practices regarding:

- (1) The forms and quantities of medical cannabidiol products that are produced at the manufacturing facility;
- (2) The methods of planting, harvesting, drying, and storing cannabis;
- (3) The estimated types and amounts of all crop inputs used in the production of medical cannabidiol;
- (4) The estimated types and amounts of medical cannabidiol waste and plant material waste to be generated;
- (5) The disposal methods for all waste materials;
- (6) Employee training methods for the specific phases of production;
- (7) Biosecurity measures used in the production and manufacturing of medical cannabidiol;
- (8) Strategies for identifying and reconciling discrepancies in inventory of plant material or medical cannabidiol;
- (9) Sampling strategy and quality testing for labeling purposes;
- (10) Medical cannabidiol packaging and labeling procedures;
- (11) Procedures for recall and market withdrawal of medical cannabidiol;
- (12) Plans for responding to a security breach at a manufacturing facility or while medical cannabidiol is in transit to a dispensary;
- (13) A business continuity plan;
- (14) Records relating to all transport activities; and
- (15) Other information requested by the department.

b. Procedures to ensure accurate record keeping.

c. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol.

154.17(2) Prohibited activities. A manufacturer shall not:

- a. Own or operate a medical cannabidiol manufacturing facility unless the manufacturer is licensed by the department pursuant to Iowa Code chapter 124E and these rules;
- b. Produce or manufacture medical cannabidiol in any location except in those areas approved by the department;
- c. Sell, deliver, transport, or distribute medical cannabidiol from any location except its manufacturing facility or a dispensary facility;
 - d. Produce or manufacture medical cannabidiol in Iowa for sales or distribution outside of Iowa;
 - e. Sell or distribute medical cannabidiol to any person or business other than a dispensary;
 - f. Refuse to sell, deliver, transport, or distribute medical cannabidiol in any form or quantity produced by the manufacturer to a dispensary, unless deemed appropriate in the manufacturer's reasonable business judgment and approved by the department in writing;
 - g. Transport or deliver medical cannabidiol to any location except as allowed in subrule 154.22(1);
 - h. Sell medical cannabidiol that is not packaged and labeled in accordance with rule 645—154.21(124E);
 - i. Sell medical cannabidiol in any form or quantity other than a form or quantity approved by the department, subject to recommendation by the medical cannabidiol board and approval by the board of medicine;
 - j. Permit any person to consume medical cannabidiol on the property of the manufacturer;
 - k. Employ a person who is under 18 years of age or who has been convicted of a disqualifying felony offense;
 - l. Manufacture edible medical cannabidiol products.

154.17(3) Criminal background investigations.

- a. A manufacturer shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the department of public safety, including but not limited to a national criminal history record check.

b. An employee of a manufacturer shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the department of public safety, including but not limited to a national criminal history background check.

154.17(4) Relationship to health care practitioners. A manufacturer shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.
[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.18(124E) Security requirements. The department may request assistance from the department of public safety in ensuring manufacturers meet the security requirements in this rule.

154.18(1) Visitor logs. Visitors to the manufacturing facility shall sign visitor manifests with name, date, and times of entry and exit, and shall wear badges that are visible at all times and that identify them as visitors.

154.18(2) Restricted access. A manufacturer shall use a controlled access system and written manifests to limit entrance to all restricted access areas of its manufacturing facility and shall retain a record of all persons who entered the restricted access areas.

a. The controlled access system shall do all of the following:

- (1) Limit access to authorized individuals;
- (2) Maintain a log of individuals with approved access, including dates of approvals and revocations;
- (3) Track times of personnel entry to and exit from the facility;
- (4) Store data for retrieval for a minimum of one year; and
- (5) Limit access to authorized individuals in the event of a power failure.

b. Separate written manifests of visitors to restricted access areas shall be kept and stored for a minimum of one year if the controlled access system does not include electronic records of visitors to the restricted access areas.

c. A manufacturer shall promptly, but no later than five business days after receipt of request, submit stored controlled access system data to the department.

d. Restricted access areas shall be identified with signs that state: “Do Not Enter – Restricted Access Area – Access Limited to Authorized Personnel Only.”

154.18(3) Perimeter intrusion detection system.

a. *Computer-controlled video surveillance system.* A manufacturer shall operate and maintain in good working order a computer-controlled, closed-circuit television surveillance system on its premises that operates 24 hours per day, seven days a week, and visually records:

- (1) All phases of medical cannabinol production;
- (2) All areas that might contain plant material and medical cannabinol, including all safes and vaults;
- (3) All points of entry and exit;
- (4) The entrance to the video surveillance control room; and
- (5) Parking areas, which shall have appropriate lighting for the normal conditions of the area under surveillance.

b. *Camera specifications.* Cameras shall:

- (1) Capture clear and certain identification of any person entering or exiting a manufacturing facility or its parking areas to the extent identification is technologically feasible with generally accepted commercial security cameras;
- (2) Have the ability to produce a clear, color still photograph live or from a recording;
- (3) Have on all recordings an embedded date-and-time stamp that is synchronized to the recording and does not obscure the picture; and
- (4) Continue to operate during a power outage.

c. *Video recording specifications.*

- (1) A video recording shall export still images in an industry standard image format, such as .jpg, .bmp, or .gif.

(2) Exported video shall be archived in a format that ensures authentication and guarantees that the recorded image has not been altered.

(3) Exported video shall also be saved in an industry standard file format that can be played on a standard computer operating system.

(4) All recordings shall be erased or destroyed at the end of the retention period and prior to disposal of any storage medium.

d. *Additional requirements.* A manufacturer shall maintain all security system equipment and recordings in a secure location to prevent theft, loss, destruction, corruption, and alterations.

e. *Retention.* A manufacturer shall ensure that recordings from all video cameras are:

(1) Available for viewing by the department upon request;

(2) Retained for at least 60 days;

(3) Maintained free of alteration or corruption; and

(4) Retained longer, as needed, if a manufacturer is given actual notice of a pending criminal, civil, or administrative investigation, or other legal proceeding for which the recording may contain relevant information.

f. *Required signage.* A manufacturer shall post a sign in capital letters in a conspicuous location at every entrance to the manufacturing facility that reads, "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE."

154.18(4) Security alarm system requirements.

a. A manufacturer shall install and maintain a professionally monitored security alarm system that provides intrusion and fire detection of all:

(1) Facility entrances and exits;

(2) Rooms with exterior windows;

(3) Rooms with exterior walls;

(4) Roof hatches;

(5) Skylights; and

(6) Storage rooms.

b. For the purposes of this subrule, a security alarm system means a device or series of devices that summons law enforcement personnel during, or as a result of, an alarm condition. Devices may include:

(1) Hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audio, visual, or electronic signal;

(2) Motion detectors;

(3) Pressure switches;

(4) A duress alarm;

(5) A panic alarm;

(6) A holdup alarm;

(7) An automatic voice dialer; and

(8) A failure notification system that provides an audio, text, or visual notification of any failure in the surveillance system.

c. A manufacturer's security alarm system and all devices shall continue to operate during a power outage.

d. A manufacturer's security alarm system shall be inspected and all devices tested annually by a qualified alarm vendor. A manufacturer shall provide documentation of the annual inspection and device testing to the department upon request.

154.18(5) Personnel identification system. A manufacturer shall use a personnel identification system that controls and monitors individual employee access to restricted access areas within the manufacturing facility and that meets the requirements of this subrule and subrule 154.18(1).

a. Requirement for employee identification card. An employee identification card shall contain:

(1) The name of the employee;

(2) The date of issuance and expiration;

(3) An alphanumeric identification number that is unique to the employee; and

(4) A photographic image of the employee.

b. A manufacturer's employee shall keep the identification card visible at all times when the employee is in a manufacturing facility, a dispensary, or a vehicle transporting medical cannabidiol.

c. Upon termination or resignation of an employee, a manufacturer shall immediately:

- (1) Revoke the employee's access to the manufacturing facility; and
- (2) Obtain and destroy the employee's identification card, if possible.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.19(124E) Location. All of a manufacturer's manufacturing, cultivating, harvesting, packaging, processing, and storage of medical cannabidiol shall take place in one secured manufacturing facility location at a physical address provided to the department during the licensure and application processes.

154.19(1) Proximity to dispensary. A manufacturer shall not operate a manufacturing facility at the same physical location as a medical cannabidiol dispensary.

154.19(2) Proximity to school. A manufacturer shall not operate a manufacturing facility in any location, whether for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, storing, or supplying, within 1,000 feet of a public or private school existing before the date of the manufacturer's licensure by the department.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.20(124E) Advertising and marketing.

154.20(1) Permitted marketing and advertising activities.

a. A manufacturer may:

(1) Display the manufacturer's business name and logo on medical cannabidiol labels, signs, website, and informational material provided to patients. The name or logo shall not include:

1. Images of cannabis or cannabis-use paraphernalia;
2. Colloquial references to cannabis;
3. Names of cannabis plant strains or varieties;
4. Unsubstantiated medical claims; or
5. Medical symbols that bear a reasonable resemblance to established medical associations.

Examples of established medical organizations include the American Medical Association or American Academy of Pediatrics. The use of medical symbols is subject to approval by the department;

(2) Display signs on the manufacturing facility; and

(3) Maintain a business website that contains the following information:

1. The manufacturer's name and contact information;
2. The medical cannabidiol forms and quantities manufactured in Iowa; and
3. Other information as approved by the department.

b. The business website shall not include any false, misleading, or unsubstantiated statements regarding health or physical benefits to the patient.

c. The department reserves the right to review a manufacturer's marketing and advertising materials and to require a manufacturer to make changes to the content. The department has 30 calendar days following submission to approve or deny marketing and advertising materials of a manufacturer.

154.20(2) Other marketing and advertising activities. A manufacturer shall request and receive the department's written approval before beginning marketing or advertising activities that are not specified in subrule 154.20(1). The department has 30 calendar days to approve, deny, or request additional information regarding marketing and advertising activity requests from a manufacturer. In the event the department fails to respond to a manufacturer within 30 days with an approval, denial, or request for additional information, the manufacturer's marketing and advertising activity requests shall be deemed approved.

154.20(3) Inconspicuous display. A manufacturer shall arrange displays of medical cannabidiol, interior signs, and other exhibits to reasonably prevent public viewing from outside the manufacturing facility.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.21(124E) Packaging and labeling.

154.21(1) Medical cannabidiol packaging. A manufacturer shall package all medical cannabidiol intended for distribution according to the following standards:

a. The manufacturer shall properly package medical cannabidiol in compliance with the United States Poison Prevention Packing Act regarding child-resistant packaging and exemptions for packaging for elderly patients.

b. The manufacturer shall label packaged medical cannabidiol as described in subrule 154.21(3).

c. The manufacturer shall use medical containers that are:

(1) Of sufficient size to accommodate a separate dispensary label containing the information described in rule 645—154.46(124E);

(2) Designed to maximize the shelf life of the contained medical cannabidiol;

(3) Tamper-evident; and

(4) Child-resistant.

d. Medical cannabidiol packaging shall not bear a reasonable resemblance to commonly available nonmedical commercial products.

e. The manufacturer shall package medical cannabidiol in a manner that minimizes the package's appeal to children.

f. The manufacturer shall not depict images other than the manufacturer's business name or logo on the packaging.

154.21(2) Trade names. A manufacturer's medical cannabidiol trade names shall comply with the following:

a. Names shall be limited to those that clearly reflect the form's medical cannabidiol nature;

b. Any name that is identical to, or similar to, the name of an existing nonmedical cannabidiol product is prohibited;

c. Any name that is identical to, or similar to, the name of an unlawful product or substance is prohibited; and

d. Any name that contains language that suggests using medical cannabidiol for recreational purposes or for a condition other than a qualifying debilitating medical condition is prohibited.

154.21(3) Package labeling.

a. A manufacturer shall ensure that all medical cannabidiol packaging is labeled with the following information:

(1) The name and address of the manufacturer where the medical cannabidiol was manufactured;

(2) The medical cannabidiol's primary active ingredients, including levels of tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid;

(3) Directions for use of the product, including recommended and maximum amount by age and weight, if applicable;

(4) All ingredients of the product shown with common or usual names, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight;

(5) Instructions for storage, including light and temperature requirements, if any;

(6) Date of expiration;

(7) The date of manufacture and lot number;

(8) A notice with the statement, including capitalization: "This product has not been analyzed or approved by the United States Food and Drug Administration. There is limited information on the side effects of using this product, and there may be associated health risks and medication interactions. This product is not recommended for use by pregnant or breastfeeding women. KEEP THIS PRODUCT OUT OF REACH OF CHILDREN.";

(9) The universal warning symbol provided by the department; and

(10) A notice with the statement: "This medical cannabidiol is for therapeutic use only. Use of this product by a person other than the patient listed on the label is unlawful and may result in the cancellation of the patient's medical cannabidiol registration card. Return unused medical cannabidiol to a dispensary for disposal."

b. Labeling text shall not include any false or misleading statements.

c. A package may contain multiple labels if the information required by this rule is not obstructed.

d. Labeling text font size shall be no smaller than 6 point.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.22(124E) Transportation of medical cannabidiol and plant material.

154.22(1) Transport of medical cannabidiol. A manufacturer is authorized to transport medical cannabidiol to and from:

- a. Dispensaries;
- b. A laboratory for testing;
- c. A waste facility for disposal;
- d. Other sites only with departmental approval.

154.22(2) Transport of plant material. A manufacturer is authorized to transport cannabis plant material from its manufacturing facility to:

- a. A waste disposal site;
- b. Other sites only with departmental approval.

154.22(3) Chain-of-custody tracking system.

a. A manufacturer shall use the secure sales and inventory tracking system, if available, or a department-approved manifest system to track shipping of medical cannabidiol. The system shall include a chain of custody that records:

- (1) The name and address of the destination;
- (2) The weight and description of each individual package that is part of the shipment, and the total number of individual packages;
- (3) The date and time the medical cannabidiol shipment is placed into the transport vehicle;
- (4) The date and time the shipment is accepted at the delivery destination;
- (5) The person's identity, and the circumstances, duration, and disposition of any other person who had custody or control of the shipment; and
- (6) Any handling or storage instructions.

b. Before transporting medical cannabidiol, a manufacturer shall:

(1) Record in the secure sales and inventory tracking system or on the manifest information about the material to be transported; and

(2) Notify the dispensary, laboratory, or waste facility, as applicable, of the expected arrival time and transmit a copy of the manifest to the dispensary, laboratory, or waste facility, if applicable.

c. Each transport shall be approved electronically or in writing by:

(1) An authorized manufacturer employee when the transport vehicle is departing the manufacturing facility; and

(2) An authorized employee of the receiving dispensary, laboratory, or waste facility.

d. An authorized employee at the dispensary, laboratory, or waste facility receiving medical cannabidiol shall:

(1) Verify and document the type and quantity of the transported medical cannabidiol against the information in the secure sales and inventory tracking system or written manifest;

(2) Approve the transport electronically or return a signed copy of the manifest to the manufacturing facility; and

(3) Record the medical cannabidiol that is received as inventory in the secure sales and inventory tracking system, if available. If a manifest system is being used, the dispensary, laboratory, or waste facility shall also maintain a signed copy of manifest, and shall maintain records of the inventory received consistent with these rules.

e. A manufacturer shall maintain all manifests for at least five years and make them available upon request of the department.

154.22(4) Vehicle requirements for transport.

a. A manufacturer shall ensure that all medical cannabidiol transported on public roadways is:

- (1) Packaged in tamper-evident, bulk containers;
- (2) Transported so it is not visible or recognizable from outside the vehicle; and

(3) Transported in a vehicle that does not bear any markings to indicate that the vehicle contains medical cannabidiol or bears the name or logo of the manufacturer.

b. When the motor vehicle contains medical cannabidiol, manufacturer employees who are transporting the medical cannabidiol on public roadways shall:

(1) Travel directly to a dispensary or other department-approved locations; and

(2) Document refueling and all other stops in transit, including:

1. The reason for the stop;

2. The duration of the stop; and

3. The location of the stop.

c. If the vehicle must be stopped due to an emergency situation, the employee shall notify 911 and complete an incident report on a form approved by the department.

d. Under no circumstance shall any person other than a designated manufacturer employee have actual physical control of the motor vehicle that is transporting the medical cannabidiol.

e. A manufacturer shall staff all motor vehicles with a minimum of two employees when transporting medical cannabidiol between a manufacturing facility and a dispensary. At least one employee shall remain with the motor vehicle at all times that the motor vehicle contains medical cannabidiol. A single employee may transport medical cannabidiol to the laboratory.

f. Each employee in a transport motor vehicle shall have telephone or other communication access with the manufacturer's personnel and have the ability to contact law enforcement via telephone or other method at all times that the motor vehicle contains medical cannabidiol.

g. An employee shall carry the employee's identification card at all times when transporting or delivering medical cannabidiol and, upon request, produce the identification card to the department or to a law enforcement officer acting in the course of official duties.

h. A manufacturer shall not leave a vehicle that is transporting medical cannabidiol unattended overnight.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.23(124E) Disposal of medical cannabidiol and plant material.

154.23(1) Return of medical cannabidiol from dispensaries and laboratory. A manufacturer shall collect at no charge unused, excess, or expired medical cannabidiol from dispensaries, including medical cannabidiol that was returned to a dispensary from a patient or primary caregiver, and from the laboratory that has tested samples submitted by the manufacturer. A manufacturer shall:

a. Collect waste medical cannabidiol from each dispensary on a schedule mutually agreed upon by the manufacturer and dispensary;

b. Collect waste medical cannabidiol from a laboratory on a schedule mutually agreed upon by the manufacturer and laboratory;

c. Dispose of the returned medical cannabidiol as provided in subrule 154.23(2); and

d. Maintain a written record of disposal that includes:

(1) The tracking number assigned at the time of the dispensing, if available, or the name of the patient, if the tracking number is unavailable, when the medical cannabidiol was returned to the dispensary from a patient or primary caregiver;

(2) The date the medical cannabidiol was returned;

(3) The quantity of medical cannabidiol returned; and

(4) The type and lot number of medical cannabidiol returned.

154.23(2) Medical cannabidiol and plant material waste. A manufacturer shall store, secure, and manage medical cannabidiol waste and plant material waste in accordance with all applicable federal, state, and local regulations.

a. The manufacturer shall dispose of medical cannabidiol waste at a waste facility according to federal and state law and in a manner which renders it unusable.

b. The manufacturer shall dispose of plant material waste at an approved solid waste disposal facility, according to federal and state law.

c. Before transport of plant material waste, the manufacturer shall render the plant material waste unusable and unrecognizable by grinding and incorporating the waste with a greater quantity of nonconsumable, solid wastes including:

- (1) Paper waste;
- (2) Cardboard waste;
- (3) Food waste;
- (4) Yard waste;
- (5) Vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption;
- (6) Soil; or
- (7) Other waste approved by the department.

154.23(3) Liquid and chemical waste disposal. A manufacturer shall dispose of all liquid and chemical product waste generated in the process of cultivating, manufacturing, and distributing medical cannabidiol in accordance with all applicable federal, state, and local regulations.

154.23(4) Waste-tracking requirements. A manufacturer shall use forms approved by the department to maintain accurate and comprehensive records regarding waste material. The records shall account for, reconcile, and evidence all waste activity related to the disposal of medical cannabidiol waste and plant material waste.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.24(124E) Record-keeping requirements.

154.24(1) Sales and distribution. A manufacturer shall maintain complete and accurate electronic sales transaction records in the department's secure sales and inventory tracking system, including:

- a. The date of each sale or distribution;
- b. The item number, product name and description, and quantity of medical cannabidiol sold or otherwise distributed; and
- c. The sale price.

154.24(2) Financial transactions. A manufacturer shall maintain records that reflect all financial transactions and the financial condition of the business. The following records shall be maintained for at least five years and made available for review, upon request of the department:

- a. Purchase invoices, bills of lading, sales records, copies of bills of sale, and any supporting documents, to include the items or services purchased, from whom the items were purchased, and the date of purchase;
- b. Bank statements and canceled checks for all business accounts;
- c. Accounting and tax records;
- d. Records of all financial transactions, including contracts and agreements for services performed or services received;

154.24(3) Other records.

a. A manufacturer shall maintain the following for at least five years, unless otherwise noted, and provide to the department upon request:

- (1) All personnel records;
- (2) Records of any theft, loss, or other unaccountability of any medical cannabidiol or plant material;
- (3) Transport manifests and incident reports; and
- (4) Records of all samples sent to a testing laboratory and the quality assurance test results.

b. A manufacturer shall maintain for at least one year and provide to the department upon request its controlled access system data and visitor manifests.

c. A manufacturer shall use the department's secure sales and inventory tracking system to maintain the following:

- (1) Crop input records;
- (2) Production records;
- (3) Transportation records; and

- (4) Inventory records, including disposal of waste.
[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.25(124E) Production requirements.

154.25(1) Cultivation and processing.

- a. Only a licensed manufacturer is authorized to produce and manufacture medical cannabidiol.
- b. All phases of production shall take place in designated, restricted access areas that are monitored by a surveillance camera system in accordance with rule 641—154.18(124E).
- c. The production process shall be designed to limit contamination. Examples of contamination include mold, fungus, bacterial diseases, rot, pests, nonorganic pesticides, and mildew.
- d. Each production area shall allow for access, observation, and inventory of each plant group.
- e. Biosecurity measures shall be in effect as described in the operating documents pursuant to subrule 154.17(1).

154.25(2) Record-keeping and tracking requirements.

- a. The manufacturer shall use the department's secure sales and inventory tracking system to maintain an electronic record of all crop inputs for at least five years. The record shall include the following:
 - (1) The date of input application;
 - (2) The name of the employee applying the crop input;
 - (3) The crop input that was applied;
 - (4) The plants that received the application;
 - (5) The amount of crop input that was applied; and
 - (6) A copy of or electronic link to the safety data sheet for the crop input applied.
- b. At the time of planting, all plants shall be tracked in a batch process with a unique batch number that shall remain with the batch through final processing into medical cannabidiol.
- c. A manufacturer shall record any removal of plants from the batch, including the reason for removal, on a record maintained at the manufacturing facility for at least five years.
- d. Each batch or part of a batch of cannabis plants that contributes to a lot of medical cannabidiol shall be recorded in the department's secure sales and inventory tracking system or other manifest system.

154.25(3) Production of medical cannabidiol.

- a. A manufacturer shall comply with all state and local building and fire code requirements.
- b. A manufacturer shall obtain approval from the department for use of any hydrocarbon-based extraction process. Examples of a hydrocarbon-based extraction process include the use of butane, ethanol, hexane, and isopropyl alcohol.
- c. Medical cannabidiol shall be prepared, handled, and stored in compliance with the sanitation requirements in this rule.
- d. A manufacturer shall produce shelf-stable, nonperishable forms of medical cannabidiol.
- e. A manufacturer shall ensure that the cannabinoid content of the medical cannabidiol it produces is homogenous.
- f. Each lot of medical cannabidiol shall be assigned a unique lot number and recorded in the department's secure sales and inventory tracking system or other manifest system.

154.25(4) General sanitation requirements. A manufacturer shall take all reasonable measures and precautions to ensure that:

- a. Any employee who has a communicable disease does not perform any tasks that might contaminate plant material or medical cannabidiol;
- b. Hand-washing facilities are:
 - (1) Convenient and furnished with running water at a suitable temperature;
 - (2) Located in all production areas; and
 - (3) Equipped with effective hand-cleaning and -sanitizing preparations and sanitary towel service or electronic drying devices;
- c. All employees working in direct contact with plant material and medical cannabidiol use hygienic practices while on duty, including:

- (1) Maintaining personal cleanliness; and
 - (2) Washing hands thoroughly in a hand-washing area before starting work and at any other time when the hands may have become soiled or contaminated;
- d. Litter and waste are routinely removed and the operating systems for waste disposal are routinely inspected;
 - e. Floors, walls, and ceilings are constructed with a surface that can be easily cleaned and maintained in good repair to inhibit microbial growth;
 - f. Lighting is adequate in all areas where plant material and medical cannabidiol are processed, stored, or sold;
 - g. Screening or other protection against the entry of pests is provided, including that rubbish is disposed of to minimize the development of odor and the potential for the waste becoming an attractant, harborage, or breeding place for pests;
 - h. Any buildings, fixtures, and other facilities are maintained in a sanitary condition;
 - i. Toxic cleaning compounds, sanitizing agents, and other potentially harmful chemicals are identified and stored in a separate location away from plant material and medical cannabidiol and in accordance with applicable local, state, or federal law;
 - j. All contact surfaces, utensils, and equipment used in the production of plant material and medical cannabidiol are maintained in a clean and sanitary condition;
 - k. The manufacturing facility water supply is sufficient for necessary operations;
 - l. Plumbing size and design meets operational needs and all applicable state and local laws;
 - m. Employees have accessible toilet facilities that are sanitary and in good repair; and
 - n. Plant material and medical cannabidiol that could support the rapid growth of undesirable microorganisms are isolated to prevent the growth of those microorganisms.

154.25(5) Storage.

- a. A manufacturer shall store plant material and medical cannabidiol during production, transport, and testing to prevent diversion, theft, or loss, including ensuring that:
 - (1) Plant material and medical cannabidiol are returned to a secure location immediately after completion of the process or at the end of the scheduled business day; and
 - (2) The tanks, vessels, bins, or bulk containers containing plant material or medical cannabidiol are locked inside a secure area if a process is not completed at the end of a business day.
- b. A manufacturer shall store all plant material and medical cannabidiol during production, transport, and testing, and all saleable medical cannabidiol:
 - (1) In areas that are maintained in a clean, orderly, and well-ventilated condition; and
 - (2) In storage areas that are free from infestation by insects, rodents, birds, and other pests of any kind.
- c. To prevent degradation, a manufacturer shall store all plant material and medical cannabidiol in production, transport, and testing, and all saleable medical cannabidiol under conditions that will protect the product and its container against physical, chemical, and microbial contamination and deterioration.
- d. A manufacturer shall maintain a separate secure storage area for medical cannabidiol that is returned from a dispensary, including medical cannabidiol that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging has been opened or breached, until the returned medical cannabidiol is destroyed. For purposes of this rule, a separate secure storage area includes a container, closet, or room that can be locked or secured.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.26(124E) Quality assurance and control.

- 154.26(1) Quality control program.** A manufacturer shall develop and implement a written quality assurance program that assesses the chemical and microbiological composition of medical cannabidiol. Assessment includes a profile of the active ingredients, including shelf life, and the presence of inactive ingredients and contaminants. A manufacturer shall use these testing results to determine appropriate storage conditions and expiration dates.

154.26(2) Sampling protocols. A manufacturer shall develop and follow written procedures for sampling medical cannabidiol that require the manufacturer to:

a. Conduct sample collection in a manner that provides analytically sound and representative samples;

b. Document every sampling event and provide this documentation to the department upon request;

c. Describe all sampling and testing plans in written procedures that include the sampling method and the number of units per lot to be tested;

d. Ensure that random samples from each lot are:

(1) Taken in an amount necessary to conduct the applicable test;

(2) Labeled with the lot number; and

(3) Submitted for testing; and

e. Retain the results from the random samples for at least five years.

154.26(3) Sampling and testing. A manufacturer shall:

a. Work with the department and laboratory personnel to develop acceptance criteria for all potential contaminants based on the levels of metals, microbes, or other contaminants that the manufacturer uses in cultivating and producing medical cannabidiol;

b. Conduct sampling and testing using acceptance criteria that are protective of patient health. The sampling and testing results shall be approved by the department and laboratory personnel and shall ensure that lots of medical cannabidiol meet allowable health risk limits for contaminants;

c. Refrain from packing or selling a medical cannabidiol lot that fails to meet established standards, specifications, and any other relevant quality control criteria. Lots that fail quality assurance testing for potency or for residual solvents and chemicals may be remixed and retested;

d. Develop and follow a written procedure for responding to results failing to meet established standards, specifications, and any other relevant quality control criteria, including:

(1) Criteria for when remixing and retesting are warranted;

(2) Instructions for destroying contaminated or substandard medical cannabidiol as provided in subrule 154.23(2) when remixing and retesting are not warranted; and

(3) Instructions for determining the source of contamination;

e. Retain documentation of test results, assessment, and destruction of medical cannabidiol for at least five years.

154.26(4) Stability testing.

a. The quality assurance program shall include procedures for performing stability testing of each product type produced to determine product shelf life. The procedures shall describe:

(1) Sample size and test intervals based on statistical criteria for each attribute examined to ensure valid stability estimates;

(2) Storage conditions for samples retained for testing; and

(3) Reliable and specific test methods.

b. Stability studies shall include:

(1) Medical cannabidiol testing at appropriate intervals; and

(2) Medical cannabidiol testing in the same container-closure system in which the medical cannabidiol is marketed and dispensed.

c. If shelf-life studies have not been completed before December 1, 2018, a manufacturer shall assign a tentative expiration date, based on any available stability information. A manufacturer shall concurrently conduct stability studies to determine the actual product expiration date.

d. After a manufacturer verifies the tentative expiration date, or determines the appropriate expiration date, a manufacturer shall include that expiration date on each lot of medical cannabidiol.

e. Stability testing shall be repeated if the manufacturing process or the product's chemical composition is changed.

154.26(5) Reserve samples.

a. A manufacturer shall retain a uniquely labeled reserve sample that represents each lot of medical cannabidiol and store the reserve sample under conditions consistent with product labeling. The reserve

sample shall be stored in the same immediate container-closure system in which the medical cannabidiol is marketed or in one that has similar characteristics. The reserve sample shall consist of at least twice the quantity necessary to perform all the required tests.

b. A manufacturer shall retain the reserve for at least two years from the date of manufacture.

c. After two years from the date of manufacture, reserve samples shall be destroyed as provided in subrule 154.23(2).

154.26(6) Retesting. If the department deems that public health may be at risk, the department may require the manufacturer to retest any sample of plant material or medical cannabidiol.

154.26(7) Disposal of substandard product. A manufacturer shall dispose of all medical cannabidiol as provided in subrule 154.23(2) when samples fail to meet established standards, specifications, and other relevant quality control criteria and when an adequate remedy for remixing and retesting as provided in paragraph 154.26(3) "c" is unavailable.

154.26(8) Recall and market withdrawal procedures. Each manufacturer shall establish a procedure for recalling or withdrawing from the market, as applicable, medical cannabidiol that has a reasonable probability of causing an unexpected or harmful response in a patient population, despite appropriate use, that outweighs the potential benefit of the medical cannabidiol. This procedure shall include:

a. Factors that make a recall or market withdrawal necessary;

b. Manufacturer's personnel who are responsible for overseeing the recall or market withdrawal; and

c. How to notify affected parties of a recall or market withdrawal.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.27(124E) Supply and inventory.

154.27(1) Reliable and ongoing supply. A manufacturer shall provide a reliable and ongoing supply of medical cannabidiol to medical cannabidiol dispensaries.

154.27(2) Inventory controls and procedures. A manufacturer shall establish inventory controls and procedures for conducting inventory reviews to prevent and detect any diversion, theft, or loss in a timely manner.

154.27(3) Real-time inventory required. A manufacturer shall use the department-approved secure sales and inventory tracking system to track medical cannabidiol production from seed or plant cutting through distribution of medical cannabidiol to a dispensary. The manufacturer shall use the system to maintain a real-time record of the manufacturer's inventory of plant material and medical cannabidiol to include:

a. The quantity and form of medical cannabidiol maintained by the manufacturer at the manufacturing facility on a daily basis;

b. The amount of plants being grown at the manufacturing facility on a daily basis;

c. The names of the employees or employee conducting the inventory; and

d. Other information deemed necessary and requested by the department.

154.27(4) Waste inventory. A manufacturer shall maintain a record of its inventory of all medical cannabidiol waste and plant material waste for disposal.

154.27(5) Reconciliation. No less often than every two calendar weeks, a manufacturer shall reconcile its physical inventory with the secure sales and inventory tracking system. Inconsistencies shall be reported to the department and law enforcement within 72 hours of discovery. Reconciliation shall include:

a. Plant material at the manufacturing facility and in transit; and

b. Medical cannabidiol at the manufacturing facility, at distribution and storage facilities, and in transit.

154.27(6) Scales. All scales used to weigh usable plant material for purposes of these rules shall be certified in accordance with ISO/IEC Standard 17025, which is incorporated herein by reference.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.28(124E) Inspection by department or independent consultant. A manufacturer is subject to reasonable inspection by the department, a department-approved consultant, or other agency pursuant to Iowa Code chapter 124E and these rules and as authorized by laws and regulations.

154.28(1) Types of inspections. Inspections may include:

- a. Aspects of the business operations;
- b. The manufacturing facility;
- c. Vehicles used for transport or delivery of medical cannabidiol or plant material;
- d. Financial information and inventory documentation;
- e. Physical and electronic security alarm systems; and
- f. Other inspections as determined by the department.

154.28(2) Local safety inspections. A manufacturer may be subject to inspection of its manufacturing facility and grounds by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. The inspection could result in additional specific standards to meet local licensing authority restrictions related to medical cannabidiol manufacturing or other local businesses. An annual fire safety inspection may result in the required installation of fire suppression devices, or other means necessary for adequate fire safety.

154.28(3) Health and sanitary inspection. The department has discretion to determine when an inspection by an independent consultant is necessary. The following is a nonexhaustive list of examples that may justify an independent inspection:

- a. The department has reasonable grounds to believe that the manufacturer is in violation of one or more of the requirements set forth in these rules or other applicable public health or sanitary laws, rules or regulations; or
- b. The department has reasonable grounds to believe that the manufacturer was the cause or source of contamination of medical cannabidiol.

154.28(4) Compliance required. A manufacturer shall pay for and cooperate in a timely manner with the department's requirement that it undergo an independent health and sanitary inspection in accordance with this rule.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.29(124E) Assessment of penalties. The department shall assess to a manufacturer a civil penalty of up to \$1,000 per violation of Iowa Code chapter 124E or these rules in addition to other applicable penalties.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.30(124E) Suspension or revocation of a manufacturer license.

154.30(1) The department may suspend or revoke a manufacturer license upon any of the following grounds:

- a. Submission of false, inaccurate, misleading, or fraudulent information to the department in the application or inspection processes.
- b. Failure to submit required reports and documents.
- c. Violation of Iowa Code chapter 124E or these rules, or violation of state or local law related to operation of the licensee.
- d. Conduct or practices detrimental to the safety, health, or welfare of a patient, primary caregiver, or the public.
- e. Criminal, civil, or administration action taken against a license or registration in this or another state or country related to manufacturing or dispensing medical cannabidiol.
- f. False, misleading, or deceptive representations to the department, another state or federal agency, or a law enforcement agency.
- g. Discontinuance of operation for more than 30 days, unless the department approves an extension of such period for good cause shown.
- h. Failure to maintain effective controls against diversion, theft, or loss of medical cannabidiol.
- i. Failure to correct a deficiency within the time frame required by the department.

j. Failure of a manufacturer's business owner to have a satisfactory result in a background investigation or national criminal history background check conducted by the department of public safety and as determined by the department.

154.30(2) The department shall notify the licensee of the proposed action pursuant to Iowa Code sections 17A.12 and 17A.18. Notice of issuance of a suspension or revocation shall be served by restricted certified mail, return receipt requested, or by personal service.

154.30(3) A request for appeal concerning the suspension or revocation of a license shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 20 days of the receipt of the department's notice. The address is: Iowa Department of Public Health, Office of Medical Cannabidiol, Lucas State Office Building, Des Moines, Iowa 50319-0075. If such a request is made within the 20-day time period, the notice shall be deemed to be suspended. Prior to or at the hearing, the department may rescind the notice upon satisfaction that the reason for the suspension or revocation has been or will be removed. After the hearing or upon default of the applicant or alleged violator, the administrative law judge shall affirm, modify or set aside the suspension or revocation. If no request for appeal is received within the 20-day time period, the department's notice of suspension or revocation shall become the department's final agency action.

154.30(4) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

154.30(5) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 10.

154.30(6) When the administrative law judge makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken.

154.30(7) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

154.30(8) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

- a. All pleadings, motions, and rules.
- b. All evidence received or considered and all other submissions by recording or transcript.
- c. A statement of all matters officially noticed.
- d. All questions and offers of proof, objections, and rulings thereon.
- e. All proposed findings and exceptions.
- f. The proposed decision and order of the administrative law judge.

154.30(9) The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

154.30(10) It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

154.30(11) Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is: Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

154.30(12) The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

154.30(13) Emergency adjudicative proceedings.

a. Necessary emergency action. To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the department may issue a written order in compliance with Iowa Code section 17A.18A to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the department by emergency adjudicative order.

b. Before issuing an emergency adjudicative order, the department shall consider factors including, but not limited to, the following:

(1) Whether there has been a sufficient factual investigation to ensure that the department is proceeding on the basis of reliable information;

(2) Whether the specific circumstances which pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing;

(3) Whether the licensee required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare;

(4) Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare; and

(5) Whether the specific action contemplated by the department is necessary to avoid the immediate danger.

c. Issuance of order.

(1) An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the department's decision to take immediate action. The order is a public record.

(2) The written emergency adjudicative order shall be immediately delivered to the licensee that is required to comply with the order. The order shall be delivered by one or more of the following methods:

1. Personal delivery.

2. Certified mail, return receipt requested, to the last address on file with the department.

3. Fax. Fax may be used as the sole method of delivery if the licensee required to comply with the order has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.

(3) To the degree practicable, the department shall select the procedure for providing written notice that best ensures prompt, reliable delivery.

(4) Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the department shall make reasonable immediate efforts to contact by telephone the licensee that is required to comply with the order.

(5) After the issuance of an emergency adjudicative order, the department shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

(6) Issuance of a written emergency adjudicative order shall include notification of the date on which department proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further department proceedings to a later date will be granted only in compelling circumstances upon application in writing unless the licensee that is required to comply with the order is the party requesting the continuance.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.31(124E) Closure of operations.

154.31(1) Notice. A manufacturer shall notify the department at least six months before the closure of the manufacturing facility.

154.31(2) Procedures. If a manufacturer ceases operation, the manufacturer shall work with the department to verify the remaining inventory of the manufacturer and ensure that any plant material, plant material waste, and medical cannabidiol are destroyed at a waste facility as provided in subrule 154.23(2).

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.32 to 154.39 Reserved.

DISPENSING

641—154.40(124E) Duties of the department.

154.40(1) *Interagency agreements.* The department may enter into any interagency agreements with other state agencies for technical services or other assistance related to the regulation or inspection of dispensaries.

154.40(2) *Notice to law enforcement.* The department shall notify local law enforcement agencies and the department of public safety of the locations of dispensaries. If the department has sufficient cause to believe that there is a threat to public safety, the department shall notify local law enforcement agencies and the department of public safety of any conditions that pose a threat to public safety including but not limited to:

- a. Loss or theft of medical cannabidiol;
- b. Diversion or potential diversion of medical cannabidiol;
- c. Unauthorized access to the secure sales and inventory tracking system or other patient and caregiver information system or file; or
- d. Other violations of law.

154.40(3) *Inspection of dispensaries.* The department or its agents shall conduct regular inspections of dispensaries and their facilities as described in rule 641—154.52(124E).

154.40(4) *Establishment and maintenance of a secure sales and inventory tracking system.* The department shall establish and maintain a secure, electronic system that is available 24 hours a day, seven days a week to track:

- a. Inventory of medical cannabidiol and waste material;
- b. Sales of medical cannabidiol from dispensaries to patients and primary caregivers.

154.40(5) *Licensure and licensure renewal of dispensaries.* The department shall issue a request for proposals to select and license by April 1, 2018, up to five dispensaries to dispense medical cannabidiol within the state consistent with the provisions of Iowa Code chapter 124E and these rules.

a. To be eligible for licensure, an applicant dispensary shall provide information on forms and in a manner required by the department of public safety for the completion of a background investigation. In addition, the applicant dispensary shall submit to the department of public safety necessary funds to satisfy the full reimbursement of costs associated with completing the background investigations. If the applicant dispensary is not found suitable for licensure as a result of the background investigation, a license shall not be issued by the department.

b. As a condition for licensure, an applicant dispensary shall agree to begin dispensing medical cannabidiol to patients and primary caregivers in Iowa no later than December 1, 2018.

c. The initial license to dispense medical cannabidiol shall be valid from April 1, 2018, through November 30, 2018. The license shall be renewed annually unless a dispensary relinquishes the license, there is a change in state law prohibiting the department from renewing the license, or the license is revoked pursuant to Iowa Code chapter 124E or these rules.

d. A license to dispense medical cannabidiol issued by the department pursuant to these rules is not assignable or transferable.

e. The department shall consider the following factors in determining whether to select and license a medical cannabidiol dispensary:

- (1) Geographical location of the proposed dispensary facility;
- (2) The technical expertise of an applicant dispensary's staff regarding medical cannabidiol;
- (3) The qualifications of an applicant dispensary's employees;
- (4) The long-term financial stability of an applicant dispensary;
- (5) The ability of an applicant dispensary to provide appropriate security measures on the premises of the dispensary;
- (6) An applicant dispensary's projection of and ongoing assessment of retail product costs, including any dispensing fees.

f. Pursuant to Iowa Code section 124E.8(1) "b," information submitted during the application process shall be confidential until an applicant dispensary is licensed by the department unless otherwise protected from disclosure under state or federal law.

g. A licensed dispensary shall submit an application to renew its license with the department at least six months before the license expires. The application shall be submitted on a form created by the department.

h. The department shall notify a dispensary of the decision to approve or deny the dispensary's license by August 1 of the year in which the renewal application is submitted.

154.40(6) Collection of fees from dispensaries. Except as provided in this rule, all fees are nonrefundable, shall be retained by the department, and shall be considered repayment receipts as defined in Iowa Code section 8.2.

a. *Fees to the department.*

(1) One application is required for each dispensary location.
(2) Each application for licensure as a dispensary shall include a nonrefundable application fee of \$5,000.

(3) Licensed dispensaries shall pay an annual fee to the department to cover costs associated with regulating and inspecting dispensaries and for other expenses necessary for the administration of the medical cannabidiol program. The department shall assess the fee with the notice of approval of license renewal each year on August 1, payable by the dispensary to the department no later than December 1.

b. *Fees to the department of public safety.*

(1) An applicant dispensary shall be responsible to reimburse the department of public safety the full cost of conducting background investigations related to an application for licensure and operation as a licensed dispensary. The department of public safety shall retain the right to bill a dispensary for additional background investigations, as needed.

(2) Each dispensary submitting an application for licensure shall, at time of application, submit to the department of public safety a deposit of \$10,000 for each business owner subject to a background investigation and a national criminal history background check. Background investigation costs shall be deducted from the funds deposited. If the background investigation fees exceed the funds deposited, the applicant shall submit additional funds as required by the department of public safety. If the background investigation fees are less than the funds deposited, the department of public safety may refund or retain the fees as mutually agreed with the dispensary.

(3) A licensed dispensary shall pay a deposit of \$200 per employee to the department of public safety for a background investigation and a national criminal history background check on any person being considered for hire as an employee of the dispensary. Background investigation costs shall be deducted from the funds deposited. If the background investigation fees exceed the funds deposited, the dispensary shall submit additional funds as required by the department of public safety. If the background investigation fees are less than the funds deposited, the department of public safety may refund or retain the fees as mutually agreed with the dispensary. The department shall retain the right to preclude a potential employee from hire based upon the results of the background investigation and national criminal history background check.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.41(124E) Dispensary operations.

154.41(1) Operating documents. The operating documents of a dispensary shall include all of the following:

a. Procedures for the oversight of the dispensary, including descriptions of operational and management practices regarding:

- (1) The forms and quantities of medical cannabidiol products that will be stored and dispensed at the dispensary;
- (2) The estimated forms and quantities of medical cannabidiol waste to be generated or collected;
- (3) The disposal methods for all waste materials;
- (4) Employee training methods for the dispensary employees;

- (5) Strategies for identifying and reconciling discrepancies in inventory of medical cannabidiol;
- (6) Medical cannabidiol labeling procedures;
- (7) Procedures for recall or market withdrawal of medical cannabidiol;
- (8) Plans for responding to a security breach at the dispensary facility;
- (9) A business continuity plan; and
- (10) Other information requested by the department.
 - b. Procedures to ensure accurate record keeping.
 - c. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas of the dispensary facility containing medical cannabidiol.

154.41(2) Prohibited activities.

- a. A person or entity shall not own or operate a dispensary unless the person or entity is licensed by the department pursuant to Iowa Code chapter 124E and these rules.
- b. A dispensary shall not:
 - (1) Dispense medical cannabidiol in any location except in those areas approved by the department;
 - (2) Sell, receive, transport, or distribute medical cannabidiol from any location except its dispensary;
 - (3) Sell, receive, or distribute medical cannabidiol from any entity other than a manufacturer licensed by the department;
 - (4) Sell or distribute medical cannabidiol to any person other than an approved patient or primary caregiver;
 - (5) Transport or deliver medical cannabidiol to any location, unless approved by the department;
 - (6) Sell medical cannabidiol that is not packaged and labeled in accordance with rules 641—154.21(124E) and 641—154.46(124E);
 - (7) Repackage medical cannabidiol or remove the manufacturer's label;
 - (8) Sell medical cannabidiol in any form or quantity other than a form or quantity approved by the department and adopted by rule;
 - (9) Permit any person to consume medical cannabidiol on the property of the dispensary;
 - (10) Employ a person who is under 18 years of age or who has been convicted of a disqualifying felony offense.

154.41(3) Criminal background checks.

- a. An owner of a dispensary shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the department of public safety, including but not limited to a national criminal history background check.
- b. An employee of a dispensary shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the department of public safety, including but not limited to a national criminal history background check.

154.41(4) Relationship to health care practitioners. A dispensary shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.
[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.42(124E) Security requirements. The department may request assistance from the department of public safety in ensuring dispensaries meet the security requirements in this rule.

154.42(1) Restricted access. A dispensary shall have a controlled access system to limit entrance to all restricted access areas of the dispensary facility. Visitors to restricted access areas shall sign manifests with name, date, and times of entry and exit, if the controlled access system cannot electronically record visitors. Visitors shall wear badges that are visible at all times and identify them as visitors.

- a. The controlled access system shall do all of the following:
 - (1) Limit access to authorized individuals;
 - (2) Maintain a log of individuals with approved access, including dates of approvals and revocations;
 - (3) Track times of personnel entry to and exit from restricted access areas;

- (4) Store data for retrieval for a minimum of one year; and
- (5) Limit access to authorized individuals in the event of a power failure.
 - b. A dispensary shall promptly, but no later than five business days after receipt of request, submit stored controlled access system data to the department.
 - c. Separate written manifests of visitors to restricted access areas shall be kept and stored for a minimum of one year if the controlled access system does not include electronic records of visitors to the restricted access areas.
 - d. Restricted access areas shall be identified with signs that state: "Do Not Enter – Restricted Access Area – Access Limited to Authorized Personnel Only."

154.42(2) Perimeter intrusion detection system.

a. *Computer-controlled video surveillance system.* A dispensary shall operate and maintain in good working order a computer-controlled, closed-circuit television surveillance system on its premises that operates 24 hours per day, seven days a week, and visually records:

- (1) All areas that might contain medical cannabidiol, including all safes, vaults, and storage areas;
- (2) All points of entry and exit;
- (3) The entrance to the video surveillance control room; and
- (4) Parking areas, which shall have appropriate lighting for the normal conditions of the area under surveillance.

b. *Camera specifications.* Cameras shall:

- (1) Capture clear and certain identification of any person entering or exiting a dispensary or its parking areas to the extent identification is technologically feasible with generally accepted commercial security cameras;
- (2) Have the ability to produce a clear, color still photograph live or from a recording;
- (3) Have on all recordings an embedded date-and-time stamp that is synchronized to the recording and does not obscure the picture; and
- (4) Continue to operate during a power outage.

c. *Video recording specifications.*

- (1) A video recording shall export still images in an industry standard image format, such as .jpg, .bmp, or .gif.
- (2) Exported video shall be archived in a format that ensures authentication and guarantees that the recorded image has not been altered.
- (3) Exported video shall also be saved in an industry standard file format that can be played on a standard computer operating system.
- (4) All recordings shall be erased or destroyed at the end of the retention period and prior to disposal of any storage medium.

d. *Additional requirements.* A dispensary shall maintain all security system equipment and recordings in a secure location to prevent theft, loss, destruction, corruption, and alterations.

e. *Retention.* A dispensary shall ensure that recordings from all video cameras are:

- (1) Available for viewing by the department upon request;
- (2) Retained for at least 60 days;
- (3) Maintained free of alteration or corruption; and
- (4) Retained longer, as needed, if a dispensary is given actual notice of a pending criminal, civil, or administrative investigation, or other legal proceeding for which the recording may contain relevant information.

f. *Required signage.* A dispensary shall post a sign in capital letters in a conspicuous location at every entrance to the dispensary that reads, "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE."

154.42(3) Security alarm system requirements.

a. A dispensary shall install and maintain a professionally monitored security alarm system that provides intrusion and fire detection of all:

- (1) Dispensary entrances and exits;
- (2) Rooms with exterior windows;

- (3) Rooms with exterior walls;
- (4) Roof hatches;
- (5) Skylights; and
- (6) Storage rooms.

b. For the purposes of this subrule, a security alarm system means a device or series of devices that summons law enforcement personnel during, or as a result of, an alarm condition. Devices may include:

(1) Hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audio, visual, or electronic signal;

- (2) Motion detectors;
- (3) Pressure switches;
- (4) A duress alarm;
- (5) A panic alarm;
- (6) A holdup alarm;
- (7) An automatic voice dialer; and

(8) A failure notification system that provides an audio, text, or visual notification of any failure in the surveillance system.

c. A dispensary's security alarm system and all devices shall continue to operate during a power outage.

d. A dispensary's security alarm system shall be inspected and all devices tested annually by a qualified alarm vendor. A dispensary shall provide documentation of the annual inspection and device testing to the department upon request.

154.42(4) Personnel identification system. A dispensary shall use a personnel identification system that controls and monitors individual employee access to restricted access areas within the dispensary and that meets the requirements of this subrule and subrule 154.42(1).

a. Requirement for employee identification card. An employee identification card shall contain:

- (1) The name of the employee;
- (2) The date of issuance and expiration;
- (3) An alphanumeric identification number that is unique to the employee; and
- (4) A photographic image of the employee.

b. A dispensary's employees shall keep the identification card visible at all times when the employee is in a dispensary or a vehicle transporting medical cannabidiol.

c. Upon termination or resignation of an employee, a dispensary shall immediately:

- (1) Revoke the employee's access to restricted access areas of the dispensary; and
- (2) Obtain and destroy the employee's identification card, if possible.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.43(124E) Location. All dispensing of medical cannabidiol shall take place in an enclosed facility at one physical address provided to the department during the licensure process.

154.43(1) Proximity to manufacturers. A dispensary shall not operate at the same physical location as a manufacturer.

154.43(2) Proximity to schools. A dispensary shall not operate in any location within 1,000 feet of a public or private school existing before the date of the dispensary's licensure by the department.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.44(124E) Advertising and marketing.

154.44(1) Permitted marketing and advertising activities.

a. A dispensary may:

(1) Display the dispensary's business name and logo on medical cannabidiol labels, signs, website, and informational material provided to patients. The name or logo shall not include:

- 1. Images of cannabis or cannabis-use paraphernalia;
- 2. Colloquial references to cannabis;
- 3. Names of cannabis plant strains or varieties;
- 4. Unsubstantiated medical claims; or

5. Medical symbols that bear a reasonable resemblance to established medical associations. Examples of established medical organizations include the American Medical Association or American Academy of Pediatrics. The use of medical symbols is subject to approval by the department.

- (2) Display signs on the dispensary; and
- (3) Maintain a business website that contains the following information:
 - 1. The dispensary's name and contact information;
 - 2. The medical cannabidiol forms and quantities provided;
 - 3. Medical cannabidiol pricing;
 - 4. Hours of operation; and
 - 5. Other information as approved by the department.
- b. The business website shall not include any false, misleading, or unsubstantiated statements.
- c. The department reserves the right to review a dispensary's marketing and advertising materials and to require a dispensary to make changes to the content. The department has 30 calendar days following submission to approve or deny marketing and advertising materials of a dispensary.

154.44(2) Other marketing and advertising activities. A dispensary shall request and receive the department's written approval before beginning marketing or advertising activities that are not specified in subrule 154.44(1). The department has 30 calendar days to approve, deny, or request additional information regarding marketing and advertising activity requests from a dispensary. In the event the department fails to respond to a dispensary within 30 days with an approval, denial, or request for additional information, the dispensary's marketing and advertising activity requests shall be deemed approved.

154.44(3) Inconspicuous display. A dispensary shall arrange displays of medical cannabidiol, interior signs, and other exhibits to reasonably prevent public viewing from outside the dispensary.
[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.45(124E) Storage.

154.45(1) Storage of saleable medical cannabidiol.

a. A dispensary shall store medical cannabidiol to prevent diversion, theft, or loss, including ensuring that:

- (1) Medical cannabidiol is kept in a secure and monitored location within the dispensary; and
 - (2) Cabinets or storage containers inside the secure and monitored area are locked at the end of a business day.
- b. A dispensary shall store all medical cannabidiol:
- (1) In areas that are maintained in a clean, orderly, and well-ventilated condition;
 - (2) In areas that are free from infestation by insects, rodents, birds, and other pests of any kind;
 - (3) According to the manufacturer's requirements regarding temperature, light exposure, or other environmental conditions;
 - (4) Under conditions that will protect the product and its container against physical, chemical, and microbial contamination and deterioration.

154.45(2) Storage of returned medical cannabidiol. A dispensary shall maintain a separate secure storage area for medical cannabidiol that is to be returned to a manufacturer for disposal, including medical cannabidiol that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging has been opened or breached, until the medical cannabidiol is collected by a manufacturer. For purposes of this subrule, a separate secure storage area includes a container, closet, or room that can be locked or secured.
[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.46(124E) Dispensing.

154.46(1) Access to all forms of product. A dispensary shall provide access to all medical cannabidiol forms produced by each licensed manufacturer.

154.46(2) Dispensing to a patient.

a. Prior to dispensing any medical cannabidiol to a patient, a dispensary shall do all of the following:

- (1) Verify the patient's identity;
 - (2) Verify that the patient is registered and listed in the secure sales and inventory tracking system and has a valid medical registration card;
 - (3) Assign a tracking number to any medical cannabidiol that is to be dispensed to the patient;
 - (4) Issue a label that contains the following information:
 1. The medical cannabidiol tracking number;
 2. The date and time the medication is being dispensed;
 3. The name and address of the dispensary;
 4. The patient's registry identification number, name, and date of birth;
 5. The patient's address; and
 6. Any specific instructions for use based upon manufacturer or departmental guidelines. Labeling text shall not include any false, misleading, or unsubstantiated statements regarding health or physical benefits to the patient.
- b. The dispensary shall record the patient name, the amount dispensed, the price, the medical cannabidiol tracking number, the time and date, and other information required by the department in the secure sales and inventory tracking system within one business day.

154.46(3) Dispensing to a primary caregiver.

- a. Prior to dispensing any medical cannabidiol to a primary caregiver, a dispensary shall do all of the following:
 - (1) Verify the primary caregiver's identity;
 - (2) Verify that the patient and the primary caregiver are registered and listed in the secure sales and inventory tracking system and have valid medical registration cards;
 - (3) Assign a medical cannabidiol tracking number to any medical cannabidiol that is to be dispensed to the primary caregiver;
 - (4) Issue a label that contains the following information:
 1. The medical cannabidiol tracking number;
 2. The date and time the medication is being dispensed;
 3. The name and address of the dispensary;
 4. The patient's registry identification number, name, and date of birth;
 5. The primary caregiver's registry identification number, name, and date of birth;
 6. The patient's address; and
 7. Any specific instructions for use based upon manufacturer or departmental guidelines. Labeling text shall not include any false, misleading, or unsubstantiated statements regarding health or physical benefits to the patient.
- b. The dispensary shall record the names of the patient and primary caregiver, the amount dispensed, the price, the medical cannabidiol tracking number, the time and date, and other information required by the department in the secure sales and inventory tracking system within one business day.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.47(124E) Transportation of medical cannabidiol. A dispensary is not authorized to transport medical cannabidiol, unless approved by the department. Any approved transport shall be logged in the secure sales and inventory tracking system.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.48(124E) Disposal of medical cannabidiol.

154.48(1) Identification of excess, expired, or damaged medical cannabidiol.

- a. Dispensaries shall identify unused, excess, expired, or damaged medical cannabidiol for return to manufacturers.
- b. Unused, excess, expired, or damaged medical cannabidiol shall be stored as described in subrule 154.45(2).

154.48(2) Return of medical cannabidiol from a patient or primary caregiver to a dispensary.

- a. A dispensary shall accept at no charge unused, expired, or unwanted medical cannabidiol from any patient or primary caregiver.

b. The dispensary shall enter the following information into the secure sales and inventory tracking system for all medical cannabidiol returned from a patient or primary caregiver:

(1) The tracking number assigned at the time of the dispensing, if available, or the name of the patient, if the tracking number is unavailable, when the medical cannabidiol was returned to the dispensary from a patient or primary caregiver;

- (2) The date the medical cannabidiol was returned;
- (3) The quantity of medical cannabidiol returned; and
- (4) The type and lot number of medical cannabidiol returned.

c. A dispensary shall store medical cannabidiol returned from patients and primary caregivers as described in subrule 154.45(2).

154.48(3) *Return of medical cannabidiol to a manufacturer.*

a. A manufacturer shall collect and dispose of medical cannabidiol from dispensaries as provided in rule 641—154.23(124E).

b. A dispensary shall record information on all medical cannabidiol collected by the manufacturer in the secure sales and inventory tracking system. Information shall include:

- (1) The date the medical cannabidiol was collected by the manufacturer;
- (2) The quantity of medical cannabidiol collected; and
- (3) The type and lot number of medical cannabidiol collected.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.49(124E) Record-keeping requirements.

154.49(1) *Sales.* A dispensary shall maintain complete and accurate electronic sales transaction records in the department's secure sales and inventory tracking system, including:

a. The name of the patient and, if purchase is made by the primary caregiver, the name of the primary caregiver;

- b. The date of each sale;
- c. The item number, product name and description, and quantity of medical cannabidiol sold;
- d. The sale price;
- e. Other information required by the department.

154.49(2) *Financial transactions.* A dispensary shall maintain records that reflect all financial transactions and the financial condition of the business. The following records shall be maintained for at least five years and made available for review, upon request of the department:

a. Purchase invoices, bills of lading, sales records, copies of bills of sale, and any supporting documents, to include the items or services purchased, from whom the items were purchased, and the date of purchase;

- b. Bank statements and canceled checks for all business accounts;
- c. Accounting and tax records;
- d. Records of all financial transactions, including contracts and agreements for services performed or services received.

154.49(3) *Other records.*

a. A dispensary shall maintain the following for at least five years, unless otherwise noted, and provide to the department upon request:

- (1) All personnel records; and
- (2) Records of any theft, loss, or other unaccountability of any medical cannabidiol.

b. A dispensary shall maintain for at least one year and provide to the department upon request its controlled access system data and visitor manifests.

c. A dispensary shall use the department's secure sales and inventory tracking system to maintain the following:

- (1) Inventory records;
- (2) Return of medical cannabidiol from a patient or primary caregiver; and
- (3) Return of unused, excess, expired, or damaged medical cannabidiol to a manufacturer.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.50(124E) Quality assurance and control. A dispensary shall cooperate with manufacturers and the department on quality assurance and control procedures, including participating in stability-testing studies, developing sampling strategies, and returning medical cannabidiol that has been recalled or withdrawn from the market.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.51(124E) Inventory.

154.51(1) Inventory controls and procedures. A dispensary shall establish inventory controls and procedures for conducting inventory reviews to prevent and detect any diversion, theft, or loss in a timely manner.

154.51(2) Real-time inventory required. A dispensary shall use the department-approved secure sales and inventory tracking system to maintain a real-time record of the dispensary's inventory of medical cannabidiol to include:

- a. The quantity and form of saleable medical cannabidiol maintained at the dispensary on a daily basis;
- b. The amount of damaged, expired, or returned medical cannabidiol being held at the dispensary for return to a manufacturer; and
- c. Other information deemed necessary and requested by the department.

154.51(3) Reconciliation. At least once a calendar week, a dispensary shall reconcile all medical cannabidiol at the dispensary with the secure sales and inventory tracking system. Inconsistencies shall be reported to the department and law enforcement within 24 hours of discovery.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.52(124E) Inspection by department or independent consultant. A dispensary is subject to reasonable inspection by the department, a department-approved consultant, or other agency as authorized by Iowa Code chapter 124E and these rules or state or local laws and regulations.

154.52(1) Types of inspections. Inspections may include:

- a. Aspects of the business operations;
- b. The physical location of a dispensary, including any storage facilities;
- c. Financial information and inventory documentation;
- d. Physical and electronic security alarm systems; and
- e. Other aspects or areas as determined by the department.

154.52(2) Local safety inspections. A dispensary may be subject to inspection of its dispensary by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. The inspection could result in additional specific standards to meet local licensing authority restrictions related to medical cannabidiol dispensing or other local businesses. An annual fire safety inspection may result in the required installation of fire suppression devices, or other means necessary for adequate fire safety.

154.52(3) Health and sanitary inspection. The department has discretion to determine when an inspection by an independent consultant is necessary. The following is a nonexhaustive list of examples that may justify an independent inspection:

- a. The department has reasonable grounds to believe that the dispensary is in violation of one or more of the requirements set forth in these rules or other applicable public health or sanitary laws, rules or regulations;
- b. The department has reasonable grounds to believe that the dispensary was the cause or source of contamination of medical cannabidiol; or
- c. The department has reasonable grounds to believe that the dispensary was the cause of loss of product quality or change in chemical composition due to improper storage and handling of medical cannabidiol.

154.52(4) Compliance required. A dispensary shall pay for and cooperate in a timely manner with the department's requirement that the dispensary undergo an independent health and sanitary inspection in accordance with this rule.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.53(124E) Assessment of penalties. The department shall assess to a dispensary a civil penalty of up to \$1,000 per violation of Iowa Code chapter 124E or these rules in addition to other applicable penalties.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.54(124E) Suspension or revocation of a dispensary license.

154.54(1) The department may suspend or revoke a dispensary license upon any of the following grounds:

- a. Submission of false, inaccurate, misleading, or fraudulent information to the department in the application or inspection processes.
- b. Failure to submit required reports and documents.
- c. Violation of Iowa Code chapter 124E or these rules, or violation of state or local law related to operation of the licensee.
- d. Conduct or practices detrimental to the safety, health, or welfare of a patient, primary caregiver, or the public.
- e. Criminal, civil, or administration action taken against a license or registration in this or another state or country related to manufacturing or dispensing medical cannabidiol.
- f. False, misleading, or deceptive representations to the department, another state or federal agency, or a law enforcement agency.
- g. Discontinuance of operation for more than 30 days, unless the department approves an extension of such period for good cause shown.
- h. Failure to maintain effective controls against diversion, theft, or loss of medical cannabidiol.
- i. Failure to correct a deficiency within the time frame required by the department.
- j. Failure of a dispensary's business owner to have a satisfactory result in a background investigation or national criminal history background check conducted by the department of public safety and as determined by the department.

154.54(2) The department shall notify the licensee of the proposed action pursuant to Iowa Code sections 17A.12 and 17A.18. Notice of issuance of a suspension or revocation shall be served by restricted certified mail, return receipt requested, or by personal service.

154.54(3) A request for appeal concerning the suspension or revocation of a license shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 20 days of the receipt of the department's notice. The address is: Iowa Department of Public Health, Office of Medical Cannabidiol, Lucas State Office Building, Des Moines, Iowa 50319-0075. If such a request is made within the 20-day time period, the notice shall be deemed to be suspended. Prior to or at the hearing, the department may rescind the notice upon satisfaction that the reason for the suspension or revocation has been or will be removed. After the hearing or upon default of the applicant or alleged violator, the administrative law judge shall affirm, modify or set aside the suspension or revocation. If no request for appeal is received within the 20-day time period, the department's notice of suspension or revocation shall become the department's final agency action.

154.54(4) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

154.54(5) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 10.

154.54(6) When the administrative law judge makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken.

154.54(7) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative

law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

154.54(8) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

- a. All pleadings, motions, and rules.
- b. All evidence received or considered and all other submissions by recording or transcript.
- c. A statement of all matters officially noticed.
- d. All questions and offers of proof, objections, and rulings thereon.
- e. All proposed findings and exceptions.
- f. The proposed decision and order of the administrative law judge.

154.54(9) The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

154.54(10) It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

154.54(11) Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is: Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

154.54(12) The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

154.54(13) Emergency adjudicative proceedings.

a. Necessary emergency action. To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the department may issue a written order in compliance with Iowa Code section 17A.18A to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the department by emergency adjudicative order.

b. Before issuing an emergency adjudicative order, the department shall consider factors including, but not limited to, the following:

(1) Whether there has been a sufficient factual investigation to ensure that the department is proceeding on the basis of reliable information;

(2) Whether the specific circumstances which pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing;

(3) Whether the licensee required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare;

(4) Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare; and

(5) Whether the specific action contemplated by the department is necessary to avoid the immediate danger.

c. Issuance of order.

(1) An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the department's decision to take immediate action. The order is a public record.

(2) The written emergency adjudicative order shall be immediately delivered to the licensee that is required to comply with the order. The order shall be delivered by one or more of the following methods:

1. Personal delivery.
2. Certified mail, return receipt requested, to the last address on file with the department.
3. Fax. Fax may be used as the sole method of delivery if the licensee required to comply with the order has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.

(3) To the degree practicable, the department shall select the procedure for providing written notice that best ensures prompt, reliable delivery.

(4) Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the department shall make reasonable immediate efforts to contact by telephone the licensee that is required to comply with the order.

(5) After the issuance of an emergency adjudicative order, the department shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

(6) Issuance of a written emergency adjudicative order shall include notification of the date on which department proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further department proceedings to a later date will be granted only in compelling circumstances upon application in writing unless the licensee that is required to comply with the order is the party requesting the continuance.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.55(124E) Closure of operations.

154.55(1) Notice. A dispensary shall notify the department at least six months before the closure of the dispensary.

154.55(2) Procedures. If a dispensary ceases operation, the dispensary shall work with the department to verify the remaining inventory of the dispensary and ensure that any medical cannabidiol is returned to a manufacturer.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.56 to 154.59 Reserved.

MEDICAL CANNABIDIOL BOARD

641—154.60(124E) Purpose and duties of board.

154.60(1) The purpose of the board is to administer the provisions of Iowa Code section 124E.5.

154.60(2) Responsibilities of the board include but are not limited to:

a. Accepting and reviewing petitions to add medical conditions, medical treatments, or debilitating diseases to the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial under Iowa Code chapter 124E.

b. Making recommendations to the board of medicine relating to the removal or addition of debilitating medical conditions to the list of allowable debilitating medical conditions for which the medical use of cannabidiol under Iowa Code chapter 124E would be medically beneficial.

c. Working with the department regarding the requirements for the licensure of manufacturers and dispensaries, including licensure procedures.

d. Advising the department regarding the location of manufacturers and dispensaries throughout the state.

e. Making recommendations to the board of medicine relating to the form and quantity of allowable medical uses of cannabidiol.

f. Considering recommendations to the general assembly for statutory revisions to the definition of medical cannabidiol to increase the tetrahydrocannabinol (THC) level to more than 3 percent.

g. Submitting an annual report to the general assembly detailing the activities of the board no later than January 1.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.61(124E) Organization of board and proceedings.

154.61(1) Membership. The board shall be composed of nine members appointed by the governor pursuant to Iowa Code section 124E.5. The appointments, unless provided otherwise by law, shall be for three-year staggered terms which shall expire on June 30. Board members shall be knowledgeable

about the use of medical cannabidiol. The medical practitioners appointed to the board shall be licensed in Iowa and be nationally board-certified in their area of specialty.

154.61(2) Vacancies. Vacancies shall be filled in the same manner in which the original appointments were made for the balance of the unexpired term.

154.61(3) Absences. Three consecutive unexcused absences shall be grounds for the governor to consider dismissal of a board member and to appoint another. Department staff is charged with providing notification of absences to the governor's office.

154.61(4) Board meetings.

a. The board shall convene at least twice but no more than four times a year.

b. Board meetings shall be conducted in accordance with the open meetings requirements of Iowa Code chapter 21.

c. The department's office of medical cannabidiol shall schedule the time, date and location of meetings.

d. A majority of the members shall constitute a quorum for conducting business of the board.

e. An affirmative vote of a majority of the board members present at a meeting is required for a motion to pass.

154.61(5) Facilities and staffing. The department shall furnish the board with the necessary facilities and employees to perform the duties required by this chapter but shall be reimbursed for all costs incurred by fee revenue generated from licensing activities and registration card applications.

154.61(6) Subcommittees. The board may designate one or more subcommittees to perform such duties as may be deemed necessary.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.62(124E) Official communications. All official communications, including submissions, petitions and requests, may be addressed to the Medical Cannabidiol Board, Office of Medical Cannabidiol, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.63(124E) Office hours. The board office is open for public business from 8 a.m. to 4:30 p.m., Monday to Friday of each week, except holidays.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.64(124E) Public meetings. Members of the public may be present during board meetings unless the board votes to hold a closed session. Dates and location of board meetings may be obtained through the Iowa department of public health's website (idph.iowa.gov/mcarep) or directly from the board office.

154.64(1) Exclusion of participants. The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

154.64(2) Recording of meetings. Cameras and recording devices may be used at open meetings, provided the cameras or recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the presiding department staff member at the meeting may request the user to discontinue use of the camera or device.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.65(124E) Petitions for the addition or removal of medical conditions, medical treatments or debilitating diseases. Petitions for the addition or removal of medical conditions, medical treatments, or debilitating conditions for which the medical use of cannabidiol would be medically beneficial under Iowa Code chapter 124E may be submitted to the board pursuant to this rule.

154.65(1) Petition form. Any person or entity may file a petition to add or remove medical conditions, medical treatments or debilitating diseases with the board. A petition is deemed filed when it is received by the medical cannabidiol office. The board must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

BEFORE THE MEDICAL CANNABIDIOL BOARD

Petition by (Name of Petitioner)
for the (addition or removal) of (medical
conditions, medical treatments or
debilitating diseases) to the list of
debilitating medical conditions for which
the medical use of cannabidiol would be
medically beneficial.



PETITION FOR
(ADDITION or REMOVAL)

The petition must provide the following information:

- a. A statement of the specific medical condition, medical treatment or debilitating disease the petitioner is seeking to add to or remove from the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial.
- b. A brief summary of the petitioner's arguments in support of the action urged in the petition.
- c. A brief summary of any data or scientific evidence supporting the action urged in the petition.
- d. A list of reference material supporting the petition.
- e. A list of subject matter experts who are willing to testify in support of the petition. The list of subject matter experts must contain names, credentials (if applicable), email addresses, telephone numbers, and mailing addresses.
- f. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.

154.65(2) Signature and address. The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, telephone number and email address of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.

154.65(3) Denial for format. The board may deny a petition because it does not substantially conform to the required form.

154.65(4) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The board may request a brief from the petitioner or from any other person or entity concerning the substance of the petition.

154.65(5) Inquiries. Inquiries concerning the status of a petition may be made to the Office of Medical Cannabidiol, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

154.65(6) Additional information. The board may request the petitioner to submit additional information concerning the petition. The board may also solicit comments from any person on the substance of the petition. Comments on the substance of the petition may be submitted to the board by any person.

154.65(7) Presentation to the board. The board may request or allow the petitioner to make an oral presentation of the contents of a petition at a board meeting following submission of the petition.

154.65(8) Board response. Within six months after the filing of the petition, or within any longer period agreed to by the petitioner, the board must, in writing, either deny the petition and notify the petitioner of the board's action and the reasons therefore, or grant the petition and notify the petitioner that the board has recommended addition or removal of the medical condition, medical treatment, or debilitating disease to the board of medicine. A petitioner shall be deemed notified of the denial or recommendation on the date when the board mails the required notification to the petitioner.

154.65(9) Denials. Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the agency's rejection of the petition.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

These rules are intended to implement Iowa Code chapter 124E.

[Filed ARC 1640C (Notice ARC 1571C, IAB 8/6/14), IAB 10/1/14, effective 1/30/15]

[Filed Emergency ARC 3150C, IAB 7/5/17, effective 6/13/17]

[Filed ARC 3606C (Notice ARC 3420C, IAB 10/25/17), IAB 1/31/18, effective 3/7/18]

CHAPTER 204
UNIFORM REPORTING REQUIREMENTS
[Prior to 7/29/87, Health Department[470]Ch204]
Rescinded **ARC 1748C**, IAB 12/10/14, effective 1/14/15

CHAPTER 205
Reserved

CHAPTER 206
IOWA HEALTH INFORMATION NETWORK
Rescinded **ARC 3607C**, IAB 1/31/18, effective 3/7/18

CHAPTER 520
REGULATIONS APPLICABLE TO CARRIERS
[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 8]

761—520.1(321) Safety and hazardous materials regulations.

520.1(1) Regulations.

- a. *Motor carrier safety regulations.* The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, 2016).
- b. *Hazardous materials regulations.* The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, 2016).
- c. *Copies of regulations.* Copies of the federal regulations may be reviewed at the state law library or through the Internet at www.fmcsa.dot.gov.

520.1(2) Carriers subject to regulations.

- a. Operators of commercial vehicles, as defined in Iowa Code section 321.1, are subject to the Federal Motor Carrier Safety Regulations adopted in this rule unless exempted under Iowa Code section 321.449.
- b. Operators of vehicles transporting hazardous materials in commerce are subject to the Federal Hazardous Materials Regulations adopted in this rule unless exempted under Iowa Code section 321.450.
- c. Operators of vehicles for hire, designed to transport 7 or more persons, but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. In addition, operators of vehicles for hire designed to transport 7 or more persons, but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 100-air-mile radius driver under 49 CFR 395.1(e). However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

520.1(3) Declaration of knowledge of regulations. Operators of commercial vehicles who are subject to the regulations adopted in this rule shall at the time of application for authority to operate in Iowa or upon receipt of their Iowa registration declare knowledge of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations adopted in this rule.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.

[ARC 7750B, IAB 5/6/09, effective 6/10/09; ARC 8720B, IAB 5/5/10, effective 6/9/10; ARC 9493B, IAB 5/4/11, effective 6/8/11; ARC 0034C, IAB 3/7/12, effective 4/11/12; ARC 0660C, IAB 4/3/13, effective 5/8/13; ARC 2019C, IAB 6/10/15, effective 7/15/15; ARC 2525C, IAB 5/11/16, effective 6/15/16; ARC 2986C, IAB 3/15/17, effective 4/19/17]

761—520.2(321) Definitions. The following definitions apply to the regulations adopted in rule 761—520.1(321):

“*Any requirements which impose any restrictions upon a person*” as used in Iowa Code section 321.449(6) means the requirements in 49 CFR Parts 391 and 395.

“*Driver age qualifications*” as used in Iowa Code section 321.449(3) means the age qualifications in 49 CFR 391.11(b)(1).

“*Driver qualifications*” as used in Iowa Code section 321.449(2) means the driver qualifications in 49 CFR Part 391.

“*Farm customer*” as used in Iowa Code section 321.450(3) means a retail consumer residing on a farm or in a rural area or city with a population of 3000 or less.

“*Hours of service*” as used in Iowa Code section 321.449(2) means the hours of service requirements in 49 CFR Part 395.

“*Record-keeping requirements*” as used in Iowa Code section 321.449(2) means the record-keeping requirements in 49 CFR Part 395.

“*Rules adopted under this section concerning physical and medical qualifications*” as used in Iowa Code sections 321.449(5) and 321.450(2) means the regulations in 49 CFR 391.11(b)(4) and 49 CFR Part 391, Subpart E.

“Rules adopted under this section for a driver of a commercial vehicle” as used in Iowa Code section 321.449(4) means the regulations in 49 CFR Parts 391 and 395.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.
[ARC 2019C, IAB 6/10/15, effective 7/15/15]

761—520.3(321) Motor carrier safety regulations exemptions.

520.3(1) The following intrastate vehicle operations are exempt from the motor carrier safety regulations concerning inspection in 49 CFR Part 396.17 as adopted in rule 761—520.1(321):

- a. Implements of husbandry including nurse tanks as defined in Iowa Code section 321.1.
- b. Special mobile equipment (SME) as defined in Iowa Code section 321.1.
- c. Unregistered farm trailers as defined in rule 761—400.1(321), pursuant to Iowa Code section 321.123.

d. Motor vehicles registered for a gross weight of five tons or less when used by retail dealers or their employees to deliver hazardous materials, fertilizers, petroleum products and pesticides to farm customers.

520.3(2) Reserved.

This rule is intended to implement Iowa Code sections 321.1, 321.123, 321.449 and 321.450.
[ARC 2019C, IAB 6/10/15, effective 7/15/15]

761—520.4(321) Hazardous materials exemptions. These exemptions apply to the regulations adopted in rule 761—520.1(321):

520.4(1) Pursuant to Iowa Code section 321.450(3), “retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a one-hundred-mile radius of their retail place of business” are exempt from 49 CFR 177.804; and, pursuant to Iowa Code section 321.449(4), they are exempt from 49 CFR Parts 391 and 395. However, pursuant to Iowa Code section 321.449, the retail dealers and their employees under the specified conditions are subject to the regulations in 49 CFR Parts 390, 392, 393, 396 and 397.

520.4(2) Rescinded IAB 3/10/99, effective 4/14/99.

This rule is intended to implement Iowa Code section 321.450.
[ARC 2019C, IAB 6/10/15, effective 7/15/15]

761—520.5(321) Safety fitness.

520.5(1) New motor carrier safety audits. Peace officers in the office of motor vehicle enforcement of the Iowa department of transportation shall perform safety audits of new motor carriers and shall have the authority to enter a motor carrier’s place of business for the purpose of performing these audits. These audits shall be performed in compliance with 49 CFR Part 385 and shall be completed within 18 months from the day the motor carrier commences business.

520.5(2) Motor carrier compliance reviews. Peace officers in the office of motor vehicle enforcement of the Iowa department of transportation shall perform compliance reviews of motor carriers and shall have the authority to enter a motor carrier’s place of business for the purpose of performing these compliance reviews. These compliance reviews shall be performed in compliance with 49 CFR Part 385.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

761—520.6(321) Out-of-service order. A person shall not operate a commercial vehicle or transport hazardous material in violation of an out-of-service order issued by an Iowa peace officer. An out-of-service order for noncompliance shall be issued when either the vehicle operator is not qualified to operate the vehicle or the vehicle is unsafe to be operated until required repairs are made. The out-of-service order shall be consistent with the North American Uniform Out-of-Service Criteria.

This rule is intended to implement Iowa Code sections 321.3, 321.208A, 321.449, and 321.450.

761—520.7(321) Driver's statement. A “driver” as used in Iowa Code sections 321.449(5) and 321.450(2) shall carry at all times a notarized statement of employment. The statement shall include the following:

1. The driver’s name, address and social security number;
2. The name, address and telephone number of the driver’s pre-July 29, 1996, employer;
3. A statement, signed by the pre-July 29, 1996, employer or the employer’s authorized representative, that the driver was employed to operate a commercial vehicle only in Iowa; and
4. A statement showing the driver’s physical or medical condition existed prior to July 29, 1996.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 2019C, IAB 6/10/15, effective 7/15/15]

761—520.8(321) Planting and harvesting period. In accordance with the provisions of 49 CFR 395.1(k), the planting and harvesting period pertaining to agricultural operations is January 1 through December 31.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

[ARC 2019C, IAB 6/10/15, effective 7/15/15; ARC 3483C, IAB 12/6/17, effective 12/18/17; ARC 3609C, IAB 1/31/18, effective 3/7/18]

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¹ Effective date of 520.1(1) “a” and “b”; rescission of 520.1(2) “b”; and 520.3 delayed until adjournment of the 1993 Regular Session of the General Assembly by the Administrative Rules Review Committee at its meeting held October 14, 1992; delay lifted by the Committee November 10, 1992.

WORKFORCE DEVELOPMENT BOARD AND WORKFORCE DEVELOPMENT CENTER ADMINISTRATION DIVISION[877]

[Prior to 9/24/86, see Employment Security[370], renamed Job Service Division[345]
under the “umbrella” of Department of Employment Services by 1986 Iowa Acts, chapter 1245]
[Prior to 3/12/97, see Job Service Division[345]]

CHAPTER 1 WORKFORCE DEVELOPMENT BOARD

- 1.1(84A,PL113-128) Composition
- 1.2(84A) Meetings
- 1.3(84A,PL113-128) Purpose and duties
- 1.4(84A) Records
- 1.5(84A) Coordination with the department of corrections on private sector employment projects
- 1.6(84A) Coordination with the department of corrections on construction and maintenance projects

CHAPTER 2 MISSION AND STRUCTURE

- 2.1(84A) Mission
- 2.2(84A) Overall organization
- 2.3(17A,84A) Criticism of agency rule
- 2.4(17A,ExecOrd11) Requests for waiver of rules

CHAPTER 3 Reserved

CHAPTER 4 COORDINATING SERVICE PROVIDER

- 4.1(84A,84B) Purpose
- 4.2(84A,84B) Definitions
- 4.3(84A,84B) Regional advisory boards
- 4.4(84A,84B) Membership
- 4.5(84A,84B) 28E agreement
- 4.6(84A,84B) Responsibilities
- 4.7(84A,84B) Fiscal agent
- 4.8(84A,84B) Workforce development centers
- 4.9(84A,84B) Performance measures
- 4.10(84A,84B) Supervision of department staff
- 4.11(84A,84B) Rules and regulations
- 4.12(84A,84B) Contract
- 4.13(84A,84B) Vendors
- 4.14(84A,84B) Incentives and sanctions
- 4.15(84A,84B) Planning process

CHAPTER 5 Reserved

CHAPTER 6 REGIONAL ADVISORY BOARDS

- 6.1(84A,PL113-128) Definitions
- 6.2(84A,PL113-128) Number of boards

- 6.3(84A,PL113-128) Composition—voting members
- 6.4(84A,PL113-128) Nomination process for voting members
- 6.5(84A,PL113-128) Appointment process
- 6.6(84A,PL113-128) Meetings
- 6.7(84A,PL113-128) Duties
- 6.8(84A,PL113-128) Board certification and decertification
- 6.9 Reserved
- 6.10(84A,PL113-128) Member travel expenses
- 6.11(84A,PL113-128) Records

CHAPTER 7

IOWA WORKFORCE INVESTMENT ACT PROGRAM

- 7.1(84A,PL105-220) Designation of responsibility
- 7.2(84A,PL105-220) Purpose
- 7.3(84A,PL105-220) Definitions
- 7.4(84A,PL105-220) Service delivery region designations
- 7.5(84A,PL105-220) Chief elected official board
- 7.6(84A,PL105-220) Regional workforce investment board
- 7.7(84A,PL105-220) Regional workforce investment board/chief elected official board agreement
- 7.8(84A,PL105-220) Youth advisory council
- 7.9(84A,PL105-220) Selection of coordinating service provider
- 7.10(84A,PL105-220) Selection of service providers
- 7.11(84A,PL105-220) Memorandum of understanding
- 7.12(84A,PL105-220) Performance measures
- 7.13(84A,PL105-220) Regional customer service plan
- 7.14(84A,PL105-220) Activities and services
- 7.15(84A,PL105-220) Individual training accounts
- 7.16(84A,PL105-220) Certification of training providers
- 7.17(84A,PL105-220) Financial management
- 7.18(84A,PL105-220) Auditing
- 7.19(84A,PL105-220) Debt collection procedures
- 7.20(84A,PL105-220) Grantee report requirements
- 7.21(84A,PL105-220) Compliance review system
- 7.22 Reserved
- 7.23(84A,PL105-220) Regional level complaint procedures
- 7.24(84A,PL105-220) Department complaint procedures

CHAPTER 8

PLACEMENT

- 8.1(96) Definitions
- 8.2(96) Job application and related areas
- 8.3(96) Job orders and related areas
- 8.4(96) Order filling and related areas
- 8.5(96) Complaints
- 8.6(96) Iowa work permits
- 8.7(96) Alien employment certification
- 8.8(96) Defense manpower policy number 4 (DMP-4)
- 8.9(96) Federal regulation (41 CFR 50-250)—Executive Order 11701
- 8.10(96) PROMISE JOBS program
- 8.11(96) Trade Act of 1974
- 8.12(96) Food stamp program

**CHAPTER 9
LABOR-MANAGEMENT COOPERATION PROGRAM**

- 9.1(77GA,ch1225) Purpose
- 9.2(77GA,ch1225) Definitions
- 9.3(77GA,ch1225) Requests for training funds
- 9.4(77GA,ch1225) Grant period and amount of grants
- 9.5(77GA,ch1225) Technical assistance
- 9.6(77GA,ch1225) Monitoring

**CHAPTER 10
YOUTH AFFAIRS**

- 10.1(84A) Iowa conservation corps
- 10.2(84A) Summer component
- 10.3(84A) In-school public service employment program
- 10.4 Reserved
- 10.5(84A) Young adult component

**CHAPTER 11
WORK FORCE INVESTMENT PROGRAM**

- 11.1(84A) Purpose
- 11.2(84A) Definitions
- 11.3(84A) Request for proposal process
- 11.4(84A) Maximum grant amounts
- 11.5 Reserved
- 11.6(84A) Allowable costs and limitations
- 11.7(84A) Eligible participants
- 11.8(84A) Displaced homemaker set-aside
- 11.9(84A) Administration
- 11.10(84A) Redistribution of funds

**CHAPTER 12
IOWA JOB TRAINING PARTNERSHIP PROGRAM**

- 12.1(7B,PL97-300,PL102-367) Assumption of responsibility
- 12.2(7B,PL97-300,PL102-367) Purpose
- 12.3(7B,PL97-300,PL102-367) Definitions
- 12.4(7B,PL97-300,PL102-367) Service delivery area designations
- 12.5(7B,PL97-300,PL102-367) Service delivery area redesignation
- 12.6(7B,PL97-300,PL102-367) Consortium agreements
- 12.7(7B,PL97-300,PL102-367) Private industry council
- 12.8(7B,PL97-300,PL102-367) Private industry council/local elected official agreement
- 12.9(7B,PL97-300,PL102-367) Plan requirements
- 12.10(7B,PL97-300,PL102-367) Grant agreements
- 12.11(7B,PL97-300,PL102-367) Incentive grant award system
- 12.12(7B,PL97-300,PL102-367) Reallocation process
- 12.13(7B,PL97-300,PL102-367) Financial management
- 12.14(7B,PL97-300,PL102-367) Auditing
- 12.15(7B,PL97-300,PL102-367) Debt collection procedures
- 12.16(7B,PL97-300,PL102-367) Grantee report requirements
- 12.17(7B,PL97-300,PL102-367) Compliance review system
- 12.18(7B,PL97-300,PL102-367) Sanctions for violations of the Act
- 12.19(7B,PL97-300,PL102-367) Equal opportunity compliance
- 12.20(7B,PL97-300,PL102-367) SDA level complaint procedures
- 12.21(7B,PL97-300,PL102-367) Department complaint procedures

**CHAPTER 13
MENTOR ADVISORY BOARD**

- | | |
|-----------|------------|
| 13.1(84A) | Purpose |
| 13.2(84A) | Duties |
| 13.3(84A) | Membership |
| 13.4(84A) | Meetings |

**CHAPTER 14
IOWA WELFARE-TO-WORK PROGRAM**

- | | |
|---------------------|---------------------------------------|
| 14.1(84A,PL105-33) | Designation of responsibility |
| 14.2(84A,PL105-33) | Purpose |
| 14.3(84A,PL105-33) | Definitions |
| 14.4(84A,PL105-33) | Private industry council |
| 14.5(84A,PL105-33) | Certifications |
| 14.6(84A,PL105-33) | Regional allocation formula |
| 14.7(84A,PL105-33) | Eligible program operators |
| 14.8(84A,PL105-33) | Proposal requirements |
| 14.9(84A,PL105-33) | Matching requirements |
| 14.10(84A,PL105-33) | Service requirements |
| 14.11(84A,PL105-33) | Eligible activities |
| 14.12(84A,PL105-33) | Grant agreements |
| 14.13(84A,PL105-33) | Performance standards |
| 14.14(84A,PL105-33) | Grant reporting and compliance review |
| 14.15(84A,PL105-33) | Program operator sanctions |
| 14.16(84A,PL105-33) | Financial management |
| 14.17(84A,PL105-33) | Auditing |
| 14.18(84A,PL105-33) | Debt collection procedures |
| 14.19(84A,PL105-33) | Complaint procedures |

**CHAPTER 15
STRATEGIC WORKFORCE DEVELOPMENT FUND**

- | | |
|--------------------|---------------------------------------|
| 15.1(77GA,SF2296) | Purpose |
| 15.2(77GA,SF2296) | Definitions |
| 15.3(77GA,SF2296) | Regional advisory board |
| 15.4(77GA,SF2296) | Regional allocation formula |
| 15.5(77GA,SF2296) | Youth requirements |
| 15.6(77GA,SF2296) | Matching requirements |
| 15.7(77GA,SF2296) | Eligible activities |
| 15.8(77GA,SF2296) | Services plan |
| 15.9(77GA,SF2296) | Grant agreements |
| 15.10(77GA,SF2296) | Grant reporting and compliance review |

**CHAPTERS 16 to 23
Reserved**

**CHAPTER 24
VOTER REGISTRATION**

24.1(96) Forms availability

**CHAPTER 25
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES
(Uniform Rules)**

- | | |
|--------------|---|
| 25.1(22,96) | Definitions |
| 25.3(22,96) | Request for access to records |
| 25.4(22,96) | Access to confidential records |
| 25.6(22,96) | Procedure by which additions, dissents, or objections may be entered into certain records |
| 25.7(22,96) | Consent to disclosure by the subject of a confidential record |
| 25.8(22,96) | Notice to suppliers of information |
| 25.9(22,96) | Disclosure without the consent of the subject |
| 25.10(22,96) | Routine use |
| 25.11(22,96) | Release to a subject |
| 25.12(22,96) | Availability of records |
| 25.13(22,96) | Personally identifiable information |
| 25.14(22,96) | Applicability |

**CHAPTER 26
PETITIONS**

- | | |
|--------------|--------------------------------|
| 26.1(17A,96) | Petition for rule making |
| 26.2(17A,96) | Petition for declaratory order |

**CHAPTER 27
Reserved**

**CHAPTER 28
FORMS AND INFORMATIONAL MATERIALS**

- | | |
|--------------|-------|
| 28.1(96,84A) | Forms |
|--------------|-------|

CHAPTER 1 WORKFORCE DEVELOPMENT BOARD

877—1.1(84A,PL113-128) Composition.

1.1(1) Voting members. The board shall have voting members in accordance with Iowa Code section 84A.1A(1)“*a*” and Section 101(b) of the Workforce Innovation and Opportunity Act (WIOA), Public Law No. 113-128. For purposes of the board’s membership criteria, the following terms shall have the following meanings:

“*Community-based organization*” means a private nonprofit organization (which may include a faith-based organization) that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

“*Competitive integrated employment*” shall have the meaning given the term in Section 7 of the Rehabilitation Act of 1973 (29 United States Code Section 705), for individuals with disabilities.

“*Demonstrated expertise and effectiveness*” means that an individual has documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function, which may include individuals with experience in education or the training of job seekers with barriers to employment, as defined in Section 3(24) of WIOA, including but not limited to serving veterans; providing or supporting competitive integrated employment for individuals with disabilities; or serving eligible youth.

“*Eligible youth*” means, except as provided in subtitles C and D of Title I of WIOA, in-school youth, as described in Section 129(a)(1)(B) of WIOA, or out-of-school youth, as described in Section 129(a)(1)(C) of WIOA.

“*In-demand industry sector*” means an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state economy and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

“*In-demand occupation*” means an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state.

“*Optimum policymaking authority*” means that an individual can reasonably be expected to speak affirmatively on behalf of the entity the individual represents and to commit that entity to a chosen course of action.

“*Veteran*” has the meaning given the term in 38 United States Code Section 101.

1.1(2) Nonvoting members. The board shall have nonvoting members in accordance with Iowa Code section 84A.1A(1)“*b*. ”

1.1(3) Chairperson. The governor shall select a chairperson for the board from among the members who are representatives of business.

[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—1.2(84A) Meetings. The board shall meet at the call of the chairperson or when a majority of members of the board file a written request of the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the board. A majority of the voting members constitutes a quorum.

[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—1.3(84A,PL113-128) Purpose and duties.

1.3(1) Purpose. The purpose of the board is to convene state, regional, and local workforce system and partners to:

- a. Enhance the capacity and performance of the workforce development system;
- b. Align and improve the outcomes and effectiveness of federally funded and other workforce programs and investments and, through these efforts, promote economic growth;
- c. Engage public workforce system representatives, including businesses, education providers, economic development, labor representatives, and other stakeholders to help the workforce development

system achieve the purpose of the Workforce Innovation and Opportunity Act, Public Law No. 113-128; and

d. Assist to achieve the state's strategic and operational vision and goals as outlined in the state plan under Iowa Code section 84A.1 and the Workforce Innovation and Opportunity Act, Public Law No. 113-128.

1.3(2) Duties. The board shall perform the duties outlined in Iowa Code section 84A.1B and other functions as necessary and proper to carry out its responsibilities under the Workforce Innovation and Opportunity Act, Public Law No. 113-128.

[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—1.4(84A) Records. Agendas, minutes, and materials presented to the board are available from the Public Records Custodian, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319, except those records concerning closed sessions which are exempt from disclosure under Iowa Code subsection 21.5(5) or which are otherwise confidential by law. Board records contain information about persons who participate in meetings. This information is collected pursuant to Iowa Code section 21.3 and subsection 96.11(6). These records are not stored in an automated data processing system and may not be retrieved by a personal identifier.

[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—1.5(84A) Coordination with the department of corrections on private sector employment projects. To assist the department of corrections with programs that employ offenders in the private sector, the department of workforce development shall be responsible for coordinating the following process:

1.5(1) Prior to an employer's submitting an application to the department of corrections for a private sector employment project, the employer shall place with the nearest workforce development center a job order with a duration of at least 30 days. The job order shall be listed statewide in all centers and on the department of workforce development's jobs Internet site.

1.5(2) The department of corrections shall send a letter requesting verification of the employer's 30-day job listing, the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the employer is located, and the current employment level of the company that will employ the offenders. The letter should be sent to Division Administrator, Division of Policy and Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.5(3) The department of workforce development shall verify in writing the job listing, including the number of qualified applicant referrals and hires made as a result of the job order, the average entry-level wage rate for the proposed job(s), the entry-level wage range, the current unemployment rate for the county where the employer is located, and the current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available. The average wage rate and wage range will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

1.5(4) Average entry-level wage rates and entry-level wage ranges for jobs currently held by offenders and employment levels of companies employing offenders shall be updated by the department of workforce development every six months upon the department of corrections' sending a letter listing all current companies employing offenders and the offenders' job classifications to Division Administrator, Division of Policy and Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.5(5) The department of workforce development shall provide a periodic report to the state workforce development board regarding information supplied to the department of corrections for private sector employment projects. Frequency of the report will depend upon the level of activity.

1.5(6) Inquiries concerning private sector employment projects shall be in writing and address the following questions:

a. Whether and how the project is believed to violate the intent of Iowa Code section 904.809;

b. Evidence of a local surplus of labor in the job classifications of the type in which offenders are employed; and

c. Whether private sector employees or employees involved in a labor dispute have been displaced as a result of the project.

Inquiries shall be sent to Division Administrator, Division of Policy and Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. A copy of the inquiry shall be sent to the department of corrections. The director of the department shall consult with the director of prison industries and the affected regional advisory board concerning the inquiry prior to the workforce development board's making a final recommendation regarding possible corrective action.

The administrative rules committee of the state workforce development board shall review the inquiry and any additional responses or oral testimony requested by the committee and make a recommendation to the full board as to whether the intent of Iowa Code section 904.809 has or has not been met and whether corrective action, if any, needs to be taken by the department of corrections to meet the intent. At the discretion of the administrative rules committee, oral presentations may be requested from the party(ies) to the inquiry. The full board shall make a final recommendation within 60 days of receipt of the inquiry. The board's final recommendation shall be mailed to both the department of corrections and the party(ies) making the inquiry.

877—1.6(84A) Coordination with the department of corrections on construction and maintenance projects. To assist the department of corrections with the employment of offenders on construction and maintenance projects, the department of workforce development shall be responsible for coordinating the following process:

1.6(1) Prior to an employer's submitting an application to the department of corrections for employing offenders on a construction or maintenance project, the employer shall place with the nearest workforce development center a job order with a duration of at least 30 days. The job order shall be listed statewide in all centers and on the department of workforce development's jobs Internet site.

1.6(2) The department of corrections shall send a letter requesting verification of the employer's 30-day job listing, the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the employer is located, and the current employment level of the company that will employ the offenders. The letter should be sent to Division Administrator, Division of Policy and Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.6(3) The department of workforce development shall verify in writing the job listing, including the number of qualified applicant referrals and hires made as a result of the job order, the average entry-level wage rate for the proposed job(s), the entry-level wage range, the prevailing wage as determined by the U.S. Department of Labor, the current unemployment rate for the county where the employer is located, and the current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available. The average entry-level wage rate and entry-level wage range will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

1.6(4) It is recommended that all offenders employed in construction and maintenance projects receive a ten-hour OSHA safety course provided free of charge by the department of workforce development. The department of workforce development will make every effort to conduct the training within a reasonable time period after receipt of a request for training.

1.6(5) If the contract to employ offender labor exceeds six months, the department of corrections shall request and receive from the department of workforce development the average wage rates and wage ranges for jobs currently held by offenders and current employment levels of companies employing offenders. The letter should be addressed to Division Administrator, Division of Policy and Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.6(6) The department of workforce development shall provide a periodic report to the state workforce development board regarding information supplied to the department of corrections for construction and maintenance projects. Frequency of the report will depend upon the level of activity.

1.6(7) Inquiries concerning construction and maintenance projects performed by offenders may be made by area workers, or their representatives, that are affected by a project. Inquiries shall be in writing and address the following questions:

- a. Whether and how the project is believed to violate the intent of Iowa Code sections 904.701 and 904.703;
- b. Evidence of a local surplus of labor in the job classifications of the type in which offenders are employed;
- c. Whether private sector employees or state, county or local government employees or employees involved in a labor dispute have been displaced as a result of the project; and
- d. Whether existing contracts for employment or services have been impaired.

Inquiries shall be sent to Division Administrator, Division of Policy and Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. A copy of the inquiry shall be sent to the department of corrections. The director of the department shall consult with the director of the department of corrections and the affected regional advisory board concerning the inquiry prior to the workforce development board's making a final recommendation regarding possible corrective action.

The administrative rules committee of the state workforce development board shall review the inquiry and any additional responses or oral testimony requested by the committee and make a recommendation to the full board as to whether the intent of Iowa Code sections 904.701 and 904.703 has or has not been met and whether corrective action, if any, needs to be taken by the department of corrections to meet the intent. At the discretion of the administrative rules committee, oral presentations may be requested from the party(ies) to the inquiry. The full board shall make a final recommendation within 60 days of receipt of the inquiry. The board's final recommendation shall be mailed to both the department of corrections and the party(ies) making the inquiry.

These rules are intended to implement Iowa Code sections 84A.1A and 84A.1B.

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[Filed ARC 3610C (Notice ARC 3480C, IAB 12/6/17), IAB 1/31/18, effective 3/7/18]

CHAPTER 6

REGIONAL ADVISORY BOARDS

877—6.1(84A,PL113-128) Definitions.

“*Chief elected official*” means designated representatives of the units of local government joined through a 28E agreement, pursuant to Section 107(c)(1)(B) of WIOA, for the purpose of sharing liability and responsibility in accordance with Title I of the WIOA.

“*Community-based organization*” means a private nonprofit organization (which may include a faith-based organization) that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

“*Department*” means the department of workforce development.

“*Eligible youth*” means, except as provided in Subtitles C and D of Title I of WIOA, in-school youth, as described in Section 129(a)(1)(B) of WIOA, or out-of-school youth, as described in Section 129(a)(1)(C) of WIOA.

“*In-demand industry sector*” means an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

“*In-demand occupation*” means an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.

“*Local workforce development board*” means a local workforce development board established in accordance with Section 107 of the Workforce Innovation and Opportunity Act, Public Law No. 113-128.

“*Optimum policymaking authority*” means that an individual can reasonably be expected to speak affirmatively on behalf of the entity the individual represents and to commit that entity to a chosen course of action.

“*Representative with demonstrated expertise and effectiveness on a local workforce development board*” means an individual who is a workplace learning advisor as defined in Section 3(70) of WIOA; who contributes to the field of workforce development, human resources, training and development, or a function of a core program as defined in Section 3(12) of WIOA; or whom the local workforce development board recognizes for valuable contributions in education or workforce development-related fields.

“*Veteran*” has the meaning given the term in Section 101 of Title 38, United States Code.

“*WIOA*” means the federal Workforce Innovation and Opportunity Act, Public Law No. 113-128.
[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.2(84A,PL113-128) Number of boards. The governor, in consultation with chief elected officials, shall appoint a regional advisory board in each workforce development region of the state.
[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.3(84A,PL113-128) Composition—voting members. Each regional local workforce development board shall meet the membership criteria in Section 107(b) or Section 107(i) of WIOA.
[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.4(84A,PL113-128) Nomination process for voting members. The following procedures shall be used in soliciting nominations for voting members.

6.4(1) All nominations for members which represent business shall be made by local or regional business organizations or trade associations. Business representatives should be owners of businesses, chief executive or operating officers of business and other business executives or employers with optimum policymaking or hiring authority and represent businesses with employment opportunities that reflect the employment opportunities of the region.

6.4(2) All nominations for members which represent labor shall be made by appropriate local federations of labor, union councils, or state federations of labor.

6.4(3) All nominations for members representing an eligible provider of adult education and literacy where there is more than one such eligible provider in the local workforce development area shall be made by such eligible providers.

6.4(4) All nominations for members representing a vocational rehabilitation program shall be made by Iowa vocational rehabilitation services or the Iowa department for the blind.

6.4(5) All nominations shall be made in writing with the signed approval of the required nominating organization.

6.4(6) The overall membership of the board shall be balanced by gender and political affiliation consistent with Iowa Code sections 69.16 and 69.16A. To the extent possible, the members should represent all counties within a region served by the board and both voting and nonvoting members should represent persons with disabilities, minorities and older workers of the region.

6.4(7) All nominations for members representing the employment service program under the Wagner-Peyser Act shall be made by the department.

6.4(8) Nominations are valid for an unlimited time period unless the local elected officials of a region set a specific time limit in the local annual plan.

[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.5(84A,PL113-128) Appointment process.

6.5(1) In making appointments to the boards, the chief local elected officials shall submit a nominee for a board vacancy to the department within 45 days of the vacancy.

6.5(2) The governor shall review a nominee for a vacancy on a local workforce development board and either appoint or reject such nominee. The governor shall notify the chief elected officials within 45 days of a nominee's appointment or rejection.

6.5(3) If the governor rejects a nominee, the chief elected officials shall submit the name of a new nominee to the department within 45 days of such rejection.

6.5(4) If the chief elected officials fail to submit the name of a nominee for a vacancy within the 45-day time period or fail to reach agreement locally on appointments to the board, the governor may appoint a person to fill the vacancy.

[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.6(84A,PL113-128) Meetings. The board shall meet in May of each year. The chief elected official for the local workforce development area will name a chairperson from among the local workforce development board's representatives of business. The chairperson and vice chairperson shall not be of the same political party. The board shall meet at the call of the chairperson or when a majority of the members of the board file a written request of the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the board. A majority of the voting members constitutes a quorum.

[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.7(84A,PL113-128) Duties. The local workforce development board shall perform the following duties and other functions as necessary and proper to carry out its responsibilities under Title I of WIOA and listed in Iowa Code section 84A.4(2).

1. Conduct a needs assessment to identify the workforce development needs of the region.

2. Recommend to the state workforce development board and the department of workforce development awards of grants and contracts administered by the department in the region.

3. Monitor the performance of grants and contracts awarded in the region.

4. File an annual report with the department as required by Iowa Code section 84A.1B.

5. Recommend to the state workforce development board and department of workforce development the services to be delivered in the region.

6. Fulfill the responsibilities of a local workforce investment board as required by the WIOA, subsequent amendments and all related regulations.

7. Enter into an agreement with the region's chief elected officials board to delineate their respective duties related to administration of the WIOA.
[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.8(84A,PL113-128) Board certification and decertification. The governor will certify each local workforce development board in accordance with Section 107(c)(2) of WIOA and may decertify a board pursuant to Section 107(c) of WIOA.
[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.9(84A,PL105-220) Board decertification. Rescinded ARC 3610C, IAB 1/31/18, effective 3/7/18.

877—6.10(84A,PL113-128) Member travel expenses. Board members may be reimbursed for actual and necessary travel expenses for board meetings and other authorized board travel. Expenses will be reimbursed according to guidelines issued by the department of revenue.
[ARC 3610C, IAB 1/31/18, effective 3/7/18]

877—6.11(84A,PL113-128) Records. Agendas, minutes, and materials presented to the board are available from the Division of Workforce Development Center Administration, Department of Workforce Development, 150 Des Moines Street, Des Moines, Iowa 50309, except those records concerning closed sessions which are exempt from disclosure under Iowa Code subsection 21.5(5) or which are otherwise confidential by law. Board records contain information about persons who participate in meetings. This information is collected pursuant to Iowa Code section 21.3 and subsection 96.11(6). These records are not stored in an automated data processing system and may not be retrieved by a personal identifier.

Rule-making records may contain information about persons making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. These records are not stored in an automated data processing system and may not be retrieved by a personal identifier.
[ARC 3610C, IAB 1/31/18, effective 3/7/18]

These rules are intended to implement Iowa Code section 84A.4 and the federal Workforce Innovation and Opportunity Act, Public Law No. 113-128.

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