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The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the 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 or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(8); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; updated chapters for the Uniform Rules on Agency Procedure; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

# 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

### **Economic Development Authority[261]**

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[Created by 1986 Iowa Acts, chapter 1245]

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[Prior to 9/7/11, see Economic Development, Iowa Department of[261];  
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CHAPTER 412

NATIONAL REGISTER OF HISTORIC PLACES

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CHAPTER 48  
WORKFORCE HOUSING TAX INCENTIVES PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**261—48.1(15) Definitions.** As used in this chapter unless the context otherwise requires:

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

“*Authority’s website*” means the information and related content found at [www.opportunityiowa.gov](http://www.opportunityiowa.gov).

“*Average dwelling unit cost*” means the costs directly related to the housing project divided by the total number of dwelling units in the housing project.

“*Board*” means the same as defined in Iowa Code section 15.102.

“*Costs directly related*” means expenditures that are incurred for construction of a housing project to the extent that they are attributable directly to the improvement of the property or its structures. “Costs directly related” includes expenditures for site preparation work, surveying, construction materials, construction labor, architectural services, and engineering services. “Costs directly related” does not include expenditures for property acquisition, building permits, building inspection fees, furnishings, appliances, accounting services, legal services, loan origination and other financing costs including interest on construction loans, syndication fees and related costs, developer fees, or the costs associated with selling or renting the dwelling units whether incurred before or after completion of the housing project.

“*Disaster recovery housing project*” means the same as defined in Iowa Code section 15.354(6).

“*Grayfield site*” means the same as defined in Iowa Code section 15.352.

“*Greenfield site*” means the same as defined in Iowa Code section 15.352.

“*Housing business*” means the same as defined in Iowa Code section 15.352.

“*Housing project*” means the same as defined in Iowa Code section 15.352.

“*New dwelling units*” means dwelling units that are made available for occupancy in a community as a result of a housing project and that were not available for occupancy as residential housing in the community for a period of at least six months prior to the date on which application is made to the authority for tax incentives. If a dwelling unit has served as residential housing and been occupied during the six months preceding the date on which application is made to the authority for tax incentives, then the dwelling unit shall be presumed not to be a new dwelling unit.

“*Program*” means the workforce housing tax incentives program administered pursuant to Iowa Code chapter 15, subchapter II, part 17, and this chapter.

“*Tax credit certificate*” means a certificate issued by the authority stating the amount of workforce housing investment tax credits pursuant to Iowa Code section 15.355(3) that an eligible housing business may claim.

[ARC 0130D, IAB 3/18/26, effective 4/22/26]

**261—48.2(15) Housing project requirements.**

**48.2(1) Eligible project types.** To receive workforce housing tax incentives pursuant to the program, a proposed housing project shall meet all of the requirements in Iowa Code section 15.353.

*a.* For the purposes of identifying eligible project types pursuant to Iowa Code section 15.353, “rehabilitation, repair, or redevelopment” means construction or development activities associated with a housing project that are undertaken for the purpose of reusing or repurposing existing buildings or structures as new dwelling units. “Rehabilitation, repair, or redevelopment” does not include new construction of dwelling units at a greenfield site. “Rehabilitation, repair, or redevelopment” includes new structures at a qualified grayfield site.

*b.* For the purposes of identifying eligible project types pursuant to Iowa Code section 15.353, factors the authority may consider to determine whether a dwelling unit should be classified as a single family dwelling unit include but are not limited to the following:

- (1) Whether the unit is separated from other units by a ground-to-roof wall;
- (2) Whether the unit has a separate heating system;
- (3) Whether the unit has an individual meter for public utilities; and
- (4) Whether the unit has other units above or below.

c. A housing project is not eligible for the program if it is located in a 100-year floodplain.

**48.2(2) *Maximum cost.*** The average dwelling unit cost for a housing project shall not exceed the maximum amount established by the board pursuant to Iowa Code section 15.353(3)“a” or, if applicable, the maximum amount established pursuant to Iowa Code section 15.353(3)“b.”

**48.2(3) *Violations of law.*** A housing project may be ineligible for the program due to a record of violations of the law pursuant to Iowa Code section 15.354(1)“b”(2).

[ARC 0130D, IAB 3/18/26, effective 4/22/26]

### **261—48.3(15) Housing project application and agreement.**

**48.3(1) *Application.*** Information about applying for tax incentives will be available on the authority’s website. A housing business shall apply for tax incentives in the form and content specified by the authority. The application will include all the information described in described in Iowa Code section 15.354(1).

**48.3(2) *Application review and approval.***

a. All completed applications shall be reviewed and scored pursuant to Iowa Code section 15.354(2). Review criteria include but are not limited to project need, project readiness, financial capacity, and project impact.

b. The director will approve tax incentive awards after considering the recommendations of staff. The director may approve, defer or deny an application.

**48.3(3) *Agreement and fees.***

a. A housing business that has been approved for tax incentives shall execute and return the agreement required by Iowa Code section 15.354(3) within 90 days of transmittal. Failure to do so may be cause for the director to terminate the award.

b. The compliance cost fees imposed in Iowa Code section 15.354(3)“b” shall apply to all agreements entered into for this program.

c. The agreement entered pursuant to Iowa Code section 15.354(3) may only be amended if done so in writing and signed by the housing business and the authority. Examples of situations requiring an amendment include but are not limited to time extensions, budget revisions, and significant alterations of the housing project.

d. Upon completion of a housing project, a housing business shall submit all of the information and documentation required by Iowa Code section 15.354(3)“d” to the authority along with a statement of all funding sources utilized for the project including government financing. The attestation applicable to the examination required by Iowa Code section 15.354(3)“d” is SSAE No. 10 (as amended by SSAE Nos. 11, 12, 14), AT section 101, and AT section 601 or other comparable attestations as identified by the authority. The procedures used by the certified public accountant (CPA) to conduct the examination should allow the CPA to conclude that, in the CPA’s professional judgment, the expenditures claimed are eligible pursuant to the agreement; Iowa Code chapter 15, subchapter II, part 17; and all rules adopted pursuant to Iowa Code chapter 15, subchapter II, part 17, in all material respects. Within ten business days of a request by the authority, the housing business shall make available to the authority the documents reviewed by the CPA unless good cause is shown.

[ARC 0130D, IAB 3/18/26, effective 4/22/26]

### **261—48.4(15) Workforce housing tax incentives.**

**48.4(1) *Eligibility.*** A housing business that has entered into an agreement pursuant to rule 261—48.3(15) is eligible to receive the sales tax refund and income tax credit described in Iowa Code section 15.355. Tax incentives may be claimed pursuant to Iowa Code section 15.355 and any applicable rules adopted by the department of revenue.

**48.4(2)** *Transfer.* Tax credit certificates may be transferred to any person pursuant to Iowa Code section 15.355 and the applicable rules adopted by the department of revenue. However, tax credit certificate amounts of less than \$1,000 shall not be transferable.

**48.4(3)** *Tax credit limitations.* The tax credit limitations specified in Iowa Code section 15.354(4) shall apply.

[ARC 0130D, IAB 3/18/26, effective 4/22/26]

#### DISASTER RECOVERY HOUSING PROGRAM

**261—48.5(15) Disaster recovery housing project requirements.** To receive disaster recovery housing tax incentives pursuant to the program, a proposed disaster recovery housing project shall meet all requirements for other housing projects in rule 261—48.2(15).

[ARC 0130D, IAB 3/18/26, effective 4/22/26]

**261—48.6(15) Disaster recovery housing project application and agreement.**

**48.6(1)** *Application.* Information about applying for disaster recovery tax incentives will be available on the authority's website. A housing business shall apply for tax incentives in the form and with the content specified by the authority. The application will include all the information described in Iowa Code section 15.354(1). If tax credits for disaster recovery housing projects are available, the authority may establish a disaster recovery application period following the declaration of a major disaster by the President of the United States for a county in Iowa.

**48.6(2)** *Application review and approval.*

*a.* All completed applications shall be reviewed and scored pursuant to Iowa Code section 15.354(2). Review criteria include but are not limited to project need, project readiness, financial capacity, and project impact.

*b.* The director will approve tax incentive awards after considering the recommendations of staff. The director may approve, defer, or deny an application.

**48.6(3)** *Agreement and fees.*

*a.* A housing business that has been approved for disaster recovery tax incentives shall execute and return the agreement required by Iowa Code section 15.354(3) within 90 days of transmittal. Failure to do so may be cause for the director to terminate the award.

*b.* The compliance cost fees imposed in Iowa Code section 15.354(3) "b" shall apply to all agreements entered into for this program.

*c.* The agreement entered pursuant to Iowa Code section 15.354(3) may only be amended if done so in writing and signed by the housing business and the authority. Examples of situations requiring an amendment include but are not limited to time extensions, budget revisions, and significant alterations of the housing project.

*d.* Upon completion of a disaster recovery housing project, a housing business shall submit all information and documentation required by Iowa Code section 15.354(3) "d" to the authority along with a statement of all funding sources utilized for the project including government financing. The attestation applicable to the examination required by Iowa Code section 15.354(3) "d" is as described in paragraph 48.3(3) "c."

[ARC 0130D, IAB 3/18/26, effective 4/22/26]

**261—48.7(15) Disaster recovery housing tax incentives.**

**48.7(1)** *Eligibility.* A housing business that has entered into an agreement pursuant to rule 261—48.6(15) is eligible to receive the sales tax refund and income tax credit described in Iowa Code section 15.355. Tax incentives may be claimed pursuant to Iowa Code section 15.355 and any applicable rules adopted by the department of revenue.

**48.7(2)** *Transfer.* Tax credit certificates may be transferred to any person pursuant to Iowa Code section 15.355 and the applicable rules adopted by the department of revenue. However, tax credit certificate amounts of less than \$1,000 shall not be transferable.

**48.7(3) *Tax credit limitations.*** The tax credit limitations specified in Iowa Code section 15.354(4) or that may otherwise be specified for disaster recovery housing projects shall apply.  
[ARC 0130D, IAB 3/18/26, effective 4/22/26]

**261—48.8(15) Projects located in small cities.** A housing project located in a city or township that meets the criteria in Iowa Code section 15.352(10)“b” must be located at least five miles from the city limits of a city with a population greater than 2,500 to be considered located in a small city. Population for the purposes of this rule will be as determined by either the most recent population estimate produced by the United States Bureau of Census or the most recent decennial census released by the United States Bureau of Census.

[ARC 0130D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code chapter 15, subchapter II, part 17.

[Filed ARC 1801C (Notice ARC 1628C, IAB 9/17/14), IAB 12/24/14, effective 1/28/15]<sup>1</sup>

[Filed ARC 3581C (Notice ARC 3377C, IAB 10/11/17), IAB 1/17/18, effective 2/21/18]

[Filed ARC 4510C (Notice ARC 4353C, IAB 3/27/19), IAB 6/19/19, effective 7/24/19]

[Filed Emergency ARC 4724C, IAB 10/23/19, effective 10/3/19]

[Filed ARC 5139C (Notice ARC 4967C, IAB 3/11/20), IAB 8/12/20, effective 9/16/20]

[Filed ARC 6086C (Notice ARC 5909C, IAB 9/22/21), IAB 12/15/21, effective 1/19/22]

[Filed ARC 6467C (Notice ARC 6359C, IAB 6/15/22), IAB 8/24/22, effective 9/28/22]

[Filed ARC 7492C (Notice ARC 7106C, IAB 11/1/23), IAB 1/10/24, effective 2/14/24]

[Filed ARC 0130D (Notice ARC 9830C, IAB 12/24/25), IAB 3/18/26, effective 4/22/26]

<sup>1</sup> January 28, 2015, effective date of 48.7(2) [ARC 1801C] delayed until the adjournment of the 2015 General Assembly by the Administrative Rules Review Committee at its meeting held January 6, 2015.

CHAPTER 57  
EMPLOYER CHILD CARE TAX CREDIT  
Rescinded **ARC 0131D**, IAB 3/18/26, effective 4/22/26

CHAPTER 58  
NEW JOBS AND INCOME PROGRAM  
[Prior to 7/19/95, see 261—Ch 62]  
Rescinded **ARC 6320C**, IAB 5/18/22, effective 6/22/22

CHAPTER 59  
ENTERPRISE ZONE (EZ) PROGRAM  
Rescinded **ARC 8145C**, IAB 7/24/24, effective 8/28/24

CHAPTER 60  
ENTREPRENEURIAL VENTURES  
ASSISTANCE (EVA) PROGRAM  
Rescinded **ARC 8145C**, IAB 7/24/24, effective 8/28/24

CHAPTER 61  
PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM (PIAP)  
Rescinded **ARC 6320C**, IAB 5/18/22, effective 6/22/22

CHAPTER 62  
COGENERATION PILOT PROGRAM  
Rescinded **ARC 6320C**, IAB 5/18/22, effective 6/22/22

CHAPTER 63  
UNIVERSITY-BASED RESEARCH UTILIZATION PROGRAM  
Rescinded **ARC 6320C**, IAB 5/18/22, effective 6/22/22

CHAPTER 64  
NEW CAPITAL INVESTMENT PROGRAM  
Rescinded **ARC 6320C**, IAB 5/18/22, effective 6/22/22



CHAPTER 65  
REDEVELOPMENT TAX CREDITS PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**261—65.1(15) Definitions.** As used in this chapter unless the context otherwise requires:

“*Acquisition*” means the purchase of brownfield or grayfield property.

“*Affiliate*” or “*affiliated entity*” means any entity to which one or more of the following applies:

1. The entity directly, indirectly, or constructively controls another entity.
2. The entity is directly, indirectly, or constructively controlled by another entity.
3. The entity is subject to the control of a common entity. A common entity is one that owns directly or individually more than 10 percent of the voting securities of the entity.

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

“*Board*” means the same as defined in Iowa Code section 15.102.

“*Brownfield site*” means the same as defined in Iowa Code section 15.291.

“*Grayfield site*” means the same as defined in Iowa Code section 15.291.

“*Previously remediated or redeveloped site*” means a site at which prior remediation or redevelopment has occurred, including development for which an award of tax credits under this chapter has been made, and identified by the authority pursuant to the criteria in subrule 65.2(2).

“*Program*” means the redevelopment tax credits program administered pursuant to Iowa Code chapter 15, subchapter II, part 9, and this chapter.

“*Qualifying investment*” means the same as defined in Iowa Code section 15.291.

“*Qualifying investor*” means an applicant who has been approved by the authority to receive a redevelopment tax credit.

“*Qualifying redevelopment project*” means the same as defined in Iowa Code section 15.291.

“*Redevelopment*” means construction or development activities associated with a qualifying redevelopment project that are undertaken either for the purpose of constructing new buildings or improvements at a site where formerly existing buildings have been demolished or for the purpose of rehabilitating, reusing, or repurposing existing buildings or improvements. Redevelopment typically includes projects that result in the elimination of blighting characteristics as defined by Iowa Code section 403.2.

“*Remediation*” includes characterization, risk assessment, removal, and cleanup of environmental contaminants located on and adjacent to a brownfield site in compliance with appropriate Iowa department of natural resources requirements and guidelines.

[ARC 0132D, IAB 3/18/26, effective 4/22/26]

**261—65.2(15) Eligibility.** To be eligible for the program, an applicant must meet the criteria for eligibility in Iowa Code chapter 15, subchapter II, part 17, and this rule.

**65.2(1) Site control.** The applicant must own the brownfield site or grayfield site or the applicant must have an agreement with the owner of a brownfield site or grayfield site prior to applying for tax credits. The agreement will include:

- a. The total cost for remediating the site.
- b. That the owner shall transfer title of the property to the applicant upon completion of the remediation of the property. Title transfer is not required when the applicant is the owner of the property and no title transfer occurs.
- c. That upon the subsequent sale of the property by the applicant to a person other than the original owner, the original owner shall receive not more than 75 percent of the estimated total cost of the remediation, acquisition, or redevelopment.

**65.2(2) Previously remediated or redeveloped sites.** The authority will determine whether a project constitutes subsequent redevelopment at the same site as a previously remediated or redeveloped site by considering factors including but not limited to:

- a.* Whether the redevelopment described in multiple proposed projects is planned for a single parcel.
- b.* Whether the redevelopment described in multiple proposed projects is planned for adjacent or contiguous parcels or parcels in very close physical proximity.
- c.* Whether all involved parcels are owned by the same entity, different entities, or affiliated entities.
- d.* Whether a proposed project is the result of the same planning process as another project.
- e.* Whether the proposed projects are being developed by the same entity, different entities, or affiliated entities.
- f.* Whether the development of one proposed project occurs at or near the same time as another proposed project.

**65.2(3)** *Leaking underground storage tanks.* A project that includes remediation of contaminants being addressed under Iowa’s leaking underground storage tank (UST) program is not eligible for the program unless other nonpetroleum contaminants or petroleum substances not addressed under 567—Chapter 135 are present.

**65.2(4)** *Violations of law.* The authority will determine whether the applicant has a record of violations of law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws. An applicant with such a record of violations of the law shall be ineligible for the program.

[ARC 0132D, IAB 3/18/26, effective 4/22/26]

**261—65.3(15) Limitations on qualifying investment.** For the purposes of identifying qualifying investment for the purposes of the program, the following shall not be included:

1. The portion of the total cost of a project that is financed by federal, state, or local government tax credits, grants, forgivable loans, or other forms of financial assistance that do not require repayment, excluding the tax incentives provided under the program.
2. Any costs, including acquisition costs, incurred before the project is approved by the board.
3. Building permits, building inspection fees, furnishings, appliances, accounting services, legal services, loan origination and other financing costs including interest on construction loans, syndication fees, and related costs; developer fees; or the costs associated with selling or renting the property whether incurred before or after completion of the project.

[ARC 0132D, IAB 3/18/26, effective 4/22/26]

**261—65.4(15) Application—registration of projects—agreements.**

**65.4(1)** *Application.*

*a.* Applications for redevelopment tax credits will only be accepted during the annual application period established by the authority.

*b.* An investor applying for a tax credit shall provide the authority with all of the following:

- (1) The total costs of the qualifying redevelopment project, including the costs of land acquisition, cleanup, and redevelopment.
- (2) The financing sources of the investment that are directly related to the qualifying redevelopment project for which the investor is seeking approval for a tax credit as provided in this chapter.
- (3) Any other information deemed necessary to review and score the application pursuant to this rule.

**65.4(2)** *Scoring.* Each complete and eligible application will be reviewed and scored by the authority pursuant to Iowa Code section 15.293B(1)“f.” Review criteria may include but are not limited to project need, project readiness, financial capacity, and project impact.

**65.4(3)** *Registration.* The authority will make tax credit award recommendations and register projects pursuant to Iowa Code section 15.293B(1)“e.”

**65.4(4) Approval.** Tax credit awards and amounts of tax credit awards are subject to approval by the board pursuant to Iowa Code section 15.293B(1)“e.” Awards may be conditioned upon commitment of other sources of funds necessary to complete the activity.

**65.4(5) Agreement.**

a. The agreement entered pursuant to Iowa Code section 15.293B(3) will identify the tax credit amount, the award date, the project completion deadline, the qualifying investment and the total costs of the project.

b. The qualifying investor must execute and return the agreement to the authority within 90 days of transmittal of the final agreement from the authority. Failure to do so may be cause for the board to terminate the award.

c. Agreement amendments must comply with Iowa Code chapter 15, subchapter II, part 9, and this chapter. Qualifying investors may submit requests for amendments to authority staff.

(1) Except as provided in paragraph 65.4(4)“b,” requests to amend an agreement must be approved by the board.

(2) The board may designate authority staff with authority to approve nonsubstantive changes, including but not limited to the following:

1. Recipient name, address, and similar changes.

2. Line-item budget changes that do not reduce overall total project costs or qualifying investment.

3. Extension of a project completion deadline of up to 12 months.

d. Noncompliance with the agreement may result in revocation of all or a portion of the tax credit award pursuant to Iowa Code section 15.293B(3).

**65.4(6) Reports.** Qualifying investors shall submit any information reasonably requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the board, the general assembly, or the governor’s office.

**65.4(7) Project completion.** The project completion deadline may be extended pursuant to Iowa Code section 15.293B(4). The authority may for good cause within the discretion of the authority extend a qualifying investor’s completion deadline by up to 12 months upon application by the qualifying investor, which application shall be made prior to the expiration of the completion deadline in the manner and form prescribed by the authority. The authority may approve a second extension of up to 12 months if, prior to the expiration of the first 12-month extension, the qualifying investor applies and substantiates to the satisfaction of the authority that the second extension is warranted due to extenuating circumstances outside the control of qualifying investor.

**65.4(8) Certified public accountant (CPA) examination.** The attestation applicable to the examination required pursuant to Iowa Code section 15.293B(5) is SSAE No. 10 (as amended by SSAE Nos. 11, 12, 14), AT section 101 and AT section 601 or other comparable attestations identified by the authority. The procedures used by the CPA to conduct the examination should allow the CPA to conclude that, in the CPA’s professional judgment, the expenditures claimed are eligible pursuant to the agreement; Iowa Code chapter 15, subchapter II, part 9; and all rules adopted pursuant to Iowa Code chapter 15, subchapter II, part 9, in all material respects. Within ten business days of a request by the authority, the qualifying investor shall make available to the authority the documents reviewed by the CPA unless good cause is shown.

[ARC 0132D, IAB 3/18/26, effective 4/22/26]

**261—65.5(15) Redevelopment tax credit.**

**65.5(1) Tax credit certificate.**

a. *Issuance.* The authority may issue a redevelopment tax credit certificate upon completion of the project and submittal of proof of completion by the qualifying investor, including the CPA attestation required pursuant to Iowa Code section 15.293B(5) and as described in subrule 65.4(8).

b. *Claims.* To claim a tax credit under this rule, a qualifying investor shall file a claim with the department of revenue pursuant to the applicable rules adopted by the department of revenue. A tax

credit certificate shall not be used or included with a return filed for a taxable year beginning prior to the tax year listed on the certificate. The tax credit certificate(s) included with the qualifying investor's tax return shall be issued in the qualifying investor's name, expire on or after the last day of the taxable year for which the qualifying investor is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the qualifying investor's tax return.

*c. Transfer.* Tax credit certificates issued under this rule may be transferred to any person or entity to the extent allowed by Iowa Code section 15.293A(2) "d" and any applicable rules adopted by the department of revenue.

**65.5(2)** *Tax credit amount and limitations.*

*a.* The amount of the tax credit shall equal the applicable percentage of the qualifying investor's qualifying investment specified in Iowa Code section 15.293A(3).

*b.* The maximum amount of tax credits the board may award in any one fiscal year is specified in Iowa Code section 15.293A(6).

**65.5(3)** *Tax credit carryover.* If the maximum amount of tax credits available has not been issued at the end of the fiscal year, the remaining tax credit amount may be carried over to a subsequent fiscal year or the authority may prorate the remaining credit amount among other eligible applicants.

[ARC 0132D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code chapter 15, subchapter II, part 9.

[Filed emergency 8/18/00—published 9/6/00, effective 8/18/00]

[Filed 10/23/00, Notice 9/6/00—published 11/15/00, effective 12/20/00]

[Filed ARC 7844B (Notice ARC 7706B, IAB 4/8/09), IAB 6/17/09, effective 7/22/09]

[Filed Emergency ARC 9746B, IAB 9/7/11, effective 8/19/11]

[Filed ARC 0007C (Notice ARC 9747B, IAB 9/7/11), IAB 2/8/12, effective 3/14/12]

[Filed ARC 0944C (Notice ARC 0686C, IAB 4/17/13), IAB 8/7/13, effective 9/11/13]

[Filed ARC 1827C (Notice ARC 1693C, IAB 10/29/14), IAB 1/21/15, effective 2/25/15]

[Filed ARC 4511C (Notice ARC 4281C, IAB 2/13/19), IAB 6/19/19, effective 7/24/19]

[Filed ARC 6042C (Notice ARC 5850C, IAB 8/11/21), IAB 11/17/21, effective 12/22/21]

[Filed ARC 6792C (Notice ARC 6593C, IAB 10/19/22), IAB 1/11/23, effective 2/15/23]

[Filed ARC 0132D (Notice ARC 9832C, IAB 12/24/25), IAB 3/18/26, effective 4/22/26]

CHAPTER 66  
ASSISTIVE DEVICE TAX CREDIT  
Rescinded **ARC 0131D**, IAB 3/18/26, effective 4/22/26



CHAPTER 73

Reserved

CHAPTER 74

GROW IOWA VALUES FINANCIAL ASSISTANCE PROGRAM

Rescinded **ARC 6320C**, IAB 5/18/22, effective 6/22/22

CHAPTER 75

OPPORTUNITIES AND THREATS PROGRAM

Rescinded **ARC 9998C**, IAB 1/21/26, effective 2/25/26

CHAPTER 76

AGGREGATE TAX CREDIT LIMIT FOR  
CERTAIN ECONOMIC DEVELOPMENT PROGRAMS

Rescinded **ARC 0131D**, IAB 3/18/26, effective 4/22/26



CHAPTER 82  
RESEARCH AND DEVELOPMENT TAX CREDIT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**261—82.1(15E) Definitions.** For purposes of this chapter, unless the context otherwise requires:

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

“*Director*” means the director of the authority.

“*Eligible expenditures*” means the same as defined in Iowa Code section 15.521.

“*Foreign adversary*” means a foreign government or foreign non-government person as determined in 15 CFR §7.4 or 15 CFR §791.4 at any time on or after March 4, 2024, and that is listed in 15 CFR §7.4(a) or 15 CFR §791.4(a) at any time on or after March 4, 2024.

“*Foreign adversary entity*” means a foreign business subject to the jurisdiction of or organized under the laws of a foreign adversary or a foreign business owned, directed, or controlled by a foreign adversary.

“*Foreign business*” means the same as defined in Iowa Code section 9I.1.

“*Independent certified public accountant*” or “*independent CPA*” means a certified public accountant not employed by the qualified business or a related entity.

“*Program*” means the research and development tax credit program administered pursuant to this chapter and Iowa Code chapter 15, subchapter II, part 35.

“*Qualified business*” means the same as defined in Iowa Code section 15.521.

“*Qualified research and development*” means the same as defined in Iowa Code section 15.521.

[ARC 0133D, IAB 3/18/26, effective 4/22/26]

**261—82.2(15E) Certification of qualified businesses.**

**82.2(1) Eligibility for certification as a qualified business.** A business shall meet all of the criteria in Iowa Code section 15.522 to be eligible for certification as a qualified business. Additionally, a foreign business shall demonstrate that it is not associated with a foreign adversary or foreign adversary entity.

**82.2(2) Additional sectors.** Any individual or business may request in writing that the authority include an additional sector(s) to the list of sectors available for the credit pursuant to Iowa Code section 15.522(2). The authority may initiate the administrative rulemaking process to include an additional sector or sectors in response to such a request or on its own initiative. A business engaged in a sector included by rule pursuant to this subrule shall not apply for certification as a qualified business until after the effective date of the rulemaking to include that sector.

**82.2(3) Application for certification.** A qualified business shall apply to the authority for certification as a qualified business as prescribed by the authority. An applicant shall apply on behalf of all entities in a consolidated group for state or federal tax filing purposes. The application for certification will include the following information:

- a. A description of the general nature of the business’s operations.
- b. The location of the principal business operations, any Iowa business locations, and whether the business conducts research and development at any locations outside Iowa.
- c. Information that demonstrates that the business’s primary operations are in a qualified industry and sector pursuant to Iowa Code section 15.522. Such evidence may include but is not limited to whether the business has a North American Industry Classification System (NAICS) number aligned with the relevant industries and sectors as determined by the authority. Businesses with other NAICS numbers will be required to document to the authority’s satisfaction that the business is primarily engaged in an applicable industry and sector identified in Iowa Code section 15.522 based on factors including but not limited to sources of revenue and customer base.
- d. Information that demonstrates that the business is actively engaged in qualified research and development in Iowa.

- e.* Information about employment of the qualified business.
- f.* The identity of any entities included as part of a controlled group/group of trades or businesses under common control that is required to compute the federal research and development credit as one taxpayer pursuant to Section 41(f)(1) of the Internal Revenue Code.
- g.* A signed statement from an officer, director, manager, member, or general partner of the qualified business certifying the accuracy of the information provided.
- h.* Any other information or documentation as the authority may reasonably require to determine the business's eligibility for certification as a qualified business and whether research and development conducted by the business is qualified research and development.

**82.2(4)** *Authority review and notice of certification.*

- a.* The authority shall make its best efforts to determine whether a business will be certified as a qualified business within 90 days of receipt of all information and documentation necessary to demonstrate satisfaction of the criteria set forth in Iowa Code section 15.522. The authority may conduct site visits to assess the eligibility of the business and the research conducted by the business.
- b.* The authority will determine whether an applicant for certification has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws. An applicant that has such a record of violations of the law will be ineligible for certification.
- c.* Authority staff will make recommendations for approval or denial of applications for certification. The director may approve, deny, or defer an application for certification.
- d.* Approval of certification by the director shall be contingent upon execution of an agreement with the authority within 45 days of transmittal of the agreement. The time limit for execution may be extended by the director for an additional 45 days for good cause shown. Upon expiration of the time limit, including any extension, approval of certification of a qualified business shall be rescinded.
- e.* Following execution of an agreement pursuant to paragraph 82.2(4)“*d.*,” the authority will issue written notice to the qualified business that such business has been certified with the authority for the purpose of the program. The authority will indicate in its written notice the first tax year for which eligible expenditures may be eligible for a tax credit.

**82.2(5)** *Revocation and expiration of certification.*

- a.* A certified qualified business shall provide any information as the authority may reasonably request to confirm the business's continued eligibility for certification as a qualified business and whether the business continues to be actively engaged in qualified research and development.
- b.* If a qualified business fails to meet or maintain any requirement set forth in the agreement entered pursuant to Iowa Code section 15.523(3); this chapter; or Iowa Code chapter 15, subchapter II, part 35, the authority may suspend or revoke the business's certification as a qualified business by issuing written notice to the business. The notice will identify the last date on which the business was eligible to be certified as a qualified business. If certification is revoked, the notice will identify the first date on which the business will be eligible to reapply for certification. If certification is suspended, the notice will identify the proposed end date of the suspension. A business cannot apply for a tax credit for eligible expenditures incurred after the effective date of revocation or during the effective period of suspension.
- c.* The written notice of certification issued pursuant to paragraph 82.2(4)“*e.*” will include the date the authority expects the certification to expire if a business continues to satisfy all eligibility requirements. Certification may expire up to five years from the date of the notice. If a determination cannot be made that the qualified business intends to engage in qualified research and development for five years, the authority may approve certification for less than five years.
- d.* A business may submit an application for recertification and be approved for recertification by the authority.
- e.* If a business's certification as a qualified business expires, expenditures made after the expiration date will not be eligible for a tax credit.

**82.2(6) Reporting.** The authority may, at any time, request additional information and documentation from a qualified business to meet the authority's reporting obligations pursuant to Iowa Code section 15.525 or required to prepare any other reports to be provided to the governor and the general assembly.

[ARC 0133D, IAB 3/18/26, effective 4/22/26]

**261—82.3(15E) Application and review process for tax credits.**

**82.3(1) Annual business application.** A qualified business shall make its best efforts to submit its annual application for a tax credit no later than 90 days after the date its federal return is filed and accepted. The application shall be submitted no later than January 31 following the most recently filed and accepted federal tax return. A qualified business shall apply for tax credits on behalf of all entities in a consolidated group for state or federal tax filing purposes and include all application information for all such entities that incurred eligible expenditures. The annual application submitted by qualified businesses will include:

a. A report from the business of any changes to the information provided in the application for certification pursuant to subrule 82.2(3).

b. Documentation of the amount of the eligible expenditures that were included in Section F of Internal Revenue Form 6765 that was submitted with the qualified business's most recently filed and accepted federal tax return.

c. Verification of eligible expenditures by an independent CPA authorized to practice in this state, described on a form prescribed by authority.

(1) The procedures used by the independent CPA to conduct the verification should allow the independent CPA to conclude that, in the independent CPA's professional judgment, the expenditures claimed are, more likely than not, eligible pursuant to the agreement entered pursuant to Iowa Code section 15.523(3); Iowa Code chapter 15, subchapter II, part 35; and all rules adopted pursuant to Iowa Code chapter 15, subchapter II, part 35, and 2025 Iowa Acts, Senate File 657, in all material respects. The verification shall include but not be limited to the following:

1. The qualified research and development and eligible expenditures are supported by the qualified business's underlying books and records.

2. The qualified business claimed a federal research credit under Section 41 of the Internal Revenue Code for its eligible expenditures for the same tax year for which the business has applied for a tax credit under the program.

3. The qualified business's methodology for identifying eligible expenditures accurately identifies qualified research and development projects and activities and accurately calculates qualified research expenses under Section 41 of the Internal Revenue Code that occurred in Iowa.

4. The wages included as eligible expenditures are limited to wages paid for the performance, direct supervision, or direct support of qualified research and development, and such services were physically performed in Iowa by individuals legally authorized to work in Iowa.

5. Any amounts included as eligible expenditures that were paid to unrelated third parties were for qualified research and development performed on behalf of the qualified business, and the qualified business retained substantial rights in the results and bore the financial risk of failure of the qualified research and development performed by a third party.

6. Any amounts included as eligible expenditures that were paid to unrelated third parties were for qualified research and development physically performed in Iowa by individuals authorized to work in Iowa.

7. Only 65 percent of eligible contract research expenses were included as eligible expenditures.

8. Only nondepreciable tangible property used directly in the conduct of qualified research and development was included as eligible expenditures.

9. Only supplies used or consumed in Iowa in the conduct of qualified research and development were included as eligible expenditures.

10. Only rental or lease costs for computers or cloud computing resources used in qualified research were included as eligible expenditures, and such resources were operated by third-party providers and not primarily used by the qualified business.

11. Amounts included as eligible expenditures relate only to computers physically located in Iowa, or, for cloud computing resources, an allocation methodology reasonably attributes usage to Iowa-based qualified research and development activities.

12. Expenditures were captured and allocated to qualified research and development activities at the business component or project level.

13. The qualified research and development activities associated with eligible expenditures met all four statutory tests under Section 41(d) of the Internal Revenue Code: permitted purpose, elimination of uncertainty, process of experimentation, and technological in nature.

14. No expenditures were included for research to the extent funded by another person, grant, or governmental entity.

(2) For each item in subparagraph 82.3(1)“c”(1), the independent CPA shall describe the information and documentation relied upon to verify each item. The independent CPA may consider and incorporate documentation generated in connection with an Internal Revenue Service examination of the taxpayer’s federal credit for increasing research activities under Section 41 of the Internal Revenue Code. Reliance on such materials does not relieve the independent CPA of the obligation to address each verification item required by subparagraph 82.3(1)“c”(1).

(3) The independent CPA shall represent that the verification procedures were performed in a manner consistent with applicable tax practice standards and that, based on information provided by the qualified business and consistent with applicable law, the independent CPA reasonably concluded that the information is, more likely than not, accurate and complete. The CPA will not provide an audit, review, or attestation opinion for the purposes of this paragraph.

(4) Within 30 business days of a request by the authority, the qualified business shall make available to the authority the documents reviewed by the independent CPA unless good cause is shown.

*d.* A signed statement from an officer, director, manager, member, or general partner of the qualified business certifying the accuracy of the information provided.

*e.* Any other information as the authority may reasonably require to determine the business’s continued eligibility for certification as a qualified business and whether the business continues to be actively engaged in qualified research and development.

**82.3(2) Staff review.** Authority staff will verify the continued eligibility of qualified businesses and the amount of eligible expenditures incurred by qualified businesses prior to approval of tax credits by the director.

**82.3(3) Tax credit calculation.** The annual tax credit award for each qualified business shall equal its unadjusted credit or its adjusted credit, whichever is less.

*a. Unadjusted credit.* The unadjusted credit for a qualified business equals its eligible expenditures multiplied by the tax credit rate provided in the agreement, not to exceed 3.5 percent.

*b. Adjusted credit.* To calculate the adjusted credit for a qualified business, first divide the qualified business’s eligible expenditures by the total eligible expenditures incurred by all qualified businesses with approved tax credit applications for the fiscal year. Next, multiply that quotient by the amount of tax credits available pursuant to Iowa Code section 15.119 for the fiscal year after reduction for the set aside, if any, of tax credits for additional awards pursuant to subrule 82.3(4). That product, plus any additional tax credits awarded to the qualified business for the fiscal year pursuant to subrule 82.3(4), equals a qualified business’s adjusted credit.

EXAMPLE: For purposes of this example, assume that the total available tax credits for the fiscal year is \$40,000,000 and the authority does not set aside any of that amount for additional awards pursuant to subrule 82.3(4). Also assume that the total eligible expenditures incurred by all qualified businesses with approved tax credit applications for the fiscal year is \$2,000,000,000. A qualified business submits an annual tax credit application with \$10,000,000 of eligible expenditures,

and the tax credit rate in its agreement is 3.5 percent. The qualified business's unadjusted credit equals \$350,000 ( $\$10,000,000 \times 0.035$ ). The qualified business's adjusted credit equals \$200,000 ( $(\$10,000,000 / \$2,000,000,000) \times \$40,000,000$ ). Therefore, the qualified business's annual tax credit award will be \$200,000.

**82.3(4)** *Set aside of tax credits for additional awards.* The authority may set aside up to 5 percent of the amount of tax credits available pursuant to Iowa Code section 15.119 for the fiscal year to be awarded as additional tax credits to qualified businesses that demonstrate an increase in eligible expenditures.

*a.* Additional tax credits from the set aside described in this subrule may be awarded based on the annual applications submitted by qualified businesses pursuant to subrule 82.3(1). The authority may request additional information from qualified businesses to establish that a qualified business demonstrates an increase in eligible expenditures and that additional tax credits are warranted pursuant to the factors in paragraph 82.3(4)“c.”

*b.* Each fiscal year, the authority will determine the total amount of the set aside, if any, prior to making an initial apportionment of tax credits based on the total amount of qualified expenditures incurred by all qualified businesses that are eligible for a tax credit.

*c.* Factors the authority will consider in determining whether to award additional tax credits to a qualified business include but are not limited to whether the qualified business recently located in or expanded in Iowa and the economic impact of the qualified business, its facility or facilities in Iowa, and the qualified research and development.

**82.3(5)** *Application decisions.* The director may approve, deny, or defer an application for tax credits. Applications for tax credits may be denied under the following circumstances:

*a.* The qualified business has not continued to engage in the qualified research and development proposed in its application for certification.

*b.* The qualified business experiences a business closure or experiences a mass layoff for which notice is required under Iowa Code chapter 84C.

*c.* The authority determines the qualified business has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws.

[ARC 0133D, IAB 3/18/26, effective 4/22/26]

## **261—82.4(15E) Tax credit certificates.**

**82.4(1)** *Issuance by the authority.* The authority will issue tax credit certificates to qualified businesses pursuant to Iowa Code section 15.524. Tax credit certificates will be issued to the qualified businesses that applied for certification.

**82.4(2)** *Vested right.* A taxpayer does not obtain a vested right in a tax credit until a certificate has been issued by the authority.

**82.4(3)** *Claiming a tax credit.* An investor that has been issued a tax credit certificate by the authority may claim the credit in accordance with any applicable rules adopted by the department of revenue.

**82.4(4)** *Changes to federal credit.*

*a.* The qualified business shall notify the authority of any reduction of the federal credit for increasing research activities under Section 41 of the Internal Revenue Code or reduction of qualified research expenditures for the federal credit that occurs after certification as a qualified business. Such notice is required whether the reduction is the result of review of the credit initiated by the Internal Revenue Service or an amendment to the qualified business's tax return initiated by the qualified business. The qualified business must provide notice to the authority within 30 days of the final determination date as defined in Iowa Code section 422.25.

*b.* Following a report to the authority that the federal credit or qualified research expenditures for the purposes of the federal credit have been reduced, a qualified business must submit a supplemental verification of eligible expenditures by an independent CPA authorized to practice in

this state conducted in accordance with the procedures identified in subrule 82.3(1). The supplemental verification shall detail the impact of the disallowed credit on the amount of eligible expenditures, if any. The authority may waive the requirement to submit supplemental verification if all qualified expenditures on which the federal credit was claimed occurred in Iowa, if the qualified business agrees to a reduced tax credit consistent with a reduction in qualified research expenditures as determined by the authority, or if sufficient information is otherwise available to determine the impact on the tax credit available through the program.

*c.* If the supplemental independent CPA verification or other information submitted pursuant to paragraph 82.4(4) “*b*” demonstrates a reduction in eligible expenditures, the tax credit available through the program shall be reduced to an amount calculated by multiplying the credit percentage determined pursuant to subrule 82.3(3) by the reduced amount of eligible expenditures. Any additional award pursuant to subrule 82.3(4) will be reduced in the same way. If sufficient information is not available to determine the reduced amount of eligible expenditures, the authority may wholly rescind a tax credit available under the program.

*d.* The tax credit available through the program shall not be increased based on an increase in the federal credit for increasing research activities under Section 41 of the Internal Revenue Code claimed by a qualified business.

[ARC 0133D, IAB 3/18/26, effective 4/22/26]

#### **261—82.5(15) Mass layoffs and business closures.**

**82.5(1)** Pursuant to Iowa Code section 15.112, the authority may reduce or eliminate some or all of a tax credit approved through the program under the following circumstances:

- a.* A qualified business closes a facility in Iowa.
- b.* A qualified business experiences a mass layoff for which notice is required under Iowa Code chapter 84C that directly impacts its qualified research and development conducted in Iowa.
- c.* A qualified business experiences a mass layoff for which notice is required under Iowa Code chapter 84C that represents a significant portion of the qualified business’s employees in Iowa.

**82.5(2)** The authority may deny certification or recertification of a qualified business under the circumstances identified in subrule 82.5(1).

**82.5(3)** Factors the authority may consider when determining whether to exercise its discretion under this rule include but are not limited to the percentage of the qualified business’s workforce affected; the total number of employees involved; whether the action is seasonal, temporary, or permanent; whether employees are relocated to other Iowa facilities; the reasons causing the mass layoff or business closure; and the impact on the qualified business’s qualified research and development conducted in Iowa, the community in which the mass layoff or business closure occurred, and the state.

[ARC 0133D, IAB 3/18/26, effective 4/22/26]

**261—82.6(7C) References.** All references to the Internal Revenue Code in this chapter are as in effect on April 22, 2026.

[ARC 0133D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code chapter 15, subchapter II, part 35.

[Filed ARC 0133D (Notice ARC 9828C, IAB 12/24/25), IAB 3/18/26, effective 4/22/26]

CHAPTERS 83 to 100  
Reserved

PART V  
*INNOVATION AND COMMERCIALIZATION ACTIVITIES*

CHAPTER 101  
MISSION AND RESPONSIBILITIES

[Prior to 9/6/00, see 261—Ch 62]

Rescinded **ARC 8258C**, IAB 10/16/24, effective 11/20/24



CHAPTER 106  
SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY  
TRANSFER OUTREACH PROGRAM (AMERICA'S SEED FUND)

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**261—106.1(15) Definitions.** As used in this chapter unless the context otherwise requires:

“*Applicant*” means a business applying to the authority for assistance under the program.

“*Assistance*” means technical and financial assistance available under the program.

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

“*Award*” means SBIR/STTR grant or contract funds awarded by federal agencies.

“*Board*” means the same as defined in Iowa Code section 15.102.

“*Committee*” means the technology commercialization committee established by the board pursuant to Iowa Code section 15.116.

“*Corporation*” means the bioscience development corporation established pursuant to Iowa Code section 15.107.

“*Eligible applicant*” means a business meeting the criteria in rule 261—106.2(15).

“*Financial assistance*” means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty agreements.

“*Innovative business*” means the same as defined in Iowa Code section 15E.52(1) “c.”

“*Phase II award*” means an award that provides funding to continue research and development funded with a prior award.

“*Program*” means the small business innovation research and technology transfer outreach program established pursuant to Iowa Code section 15.411 and this chapter.

“*SBIR/STTR*” means the federal Small Business Innovation Research and Small Business Technology Transfer Programs known as America’s seed fund.

[ARC 0134D, IAB 3/18/26, effective 4/22/26]

**261—106.2(15) Eligibility requirements.** To be eligible for the program, an applicant must meet the following requirements:

1. Meet the small business requirements defined by the federal Small Business Administration (SBA).
  2. Be an innovative business;
  3. Have a reasonable likelihood of receiving an award;
  4. Be likely to stimulate subsequent investment by industry, venture capital, and other sources;
- and
5. Be likely to commercialize promising technology.

[ARC 0134D, IAB 3/18/26, effective 4/22/26]

**261—106.3(15) Program benefits, application procedures, and delegation of functions.**

**106.3(1) Technical assistance.**

a. Technical assistance provided by the authority under the program may include the following:

(1) Detailed outlines and other tools to facilitate drafting of a proposal and gathering accompanying documentation.

(2) Reviews and critiques of proposal drafts.

(3) Evaluation of budgets and budget justifications.

(4) Assistance with the electronic registrations and the application submission process.

b. To facilitate technical assistance, applicants shall submit pre-proposal documents to the authority that demonstrate a customized strategy for application for an award consistent with the requirements for the relevant rules and regulations of each applicable federal agency.

**106.3(2)** *Application for financial assistance and award procedures.* Eligible applicants may submit applications to the authority for financial assistance. Authority staff will confirm program eligibility before forwarding an application to the committee for a recommendation on financial assistance. The committee will provide its recommendation to the board. The board may approve, deny, or defer each application for financial assistance. The board will consider applications for financial assistance on a first-come, first-served basis. The board may award up to \$75,000 in financial assistance, to be disbursed as indicated in subrule 106.4(3).

**106.3(3)** *Delegation of certain administrative functions to the corporation.* The authority may delegate certain administrative functions of the program to the corporation.

**106.3(4)** *Administrative functions not delegated.* The authority will retain, and not delegate, the performance of the following functions:

*a.* The final determination as to whether to approve, deny, or defer an award of financial assistance;

*b.* The disbursement of moneys provided for in an award of financial assistance; and

*c.* The final determination as to whether there is a default in the terms of an agreement entered into under the program, including all decisions regarding appropriate remedies for such a default.

[ARC 0134D, IAB 3/18/26, effective 4/22/26]

#### **261—106.4(15) Agreement and report information required.**

**106.4(1)** *Agreement required.* An applicant awarded financial assistance under the program shall enter into an agreement with the authority that includes all terms and conditions for receipt of funds. The authority will make the final determination as to compliance with the terms of the agreement and as to whether and when to disburse funds to the applicant.

**106.4(2)** *Reporting information required.* An applicant may be required to submit all information necessary for the authority to compile a report on the results of the program.

**106.4(3)** *Disbursement.* Up to \$50,000 in financial assistance may be disbursed to an eligible applicant upon receipt of an award. Up to \$25,000 in financial assistance may be disbursed to an eligible applicant at the time the eligible applicant submits a proposal for a phase II award.

[ARC 0134D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code section 15.411.

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]

[Filed ARC 3195C (Notice ARC 2938C, IAB 2/15/17), IAB 7/5/17, effective 8/9/17]

[Filed ARC 6356C (Notice ARC 6243C, IAB 3/23/22), IAB 6/15/22, effective 7/20/22]

[Filed ARC 0134D (Notice ARC 9831C, IAB 12/24/25), IAB 3/18/26, effective 4/22/26]

CHAPTER 200  
REINVESTMENT DISTRICTS PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**261—200.1(15J) Definitions.** For purposes of this chapter unless the context otherwise requires:

*“Account”* means the district account that is created within the fund for each municipality that has established a district and that holds the new tax revenues deposited by the department under the program.

*“Applicant”* means a municipality applying to the board and the authority for approval of a district under the program, including the preapplication process described in rule 261—200.2(15J).

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

*“Board”* means the same as defined in Iowa Code section 15.102.

*“Commencement date”* means the same as defined in Iowa Code section 15J.2.

*“Department”* means the department of revenue.

*“District”* means the same as defined in Iowa Code section 15J.2.

*“Due diligence committee”* means the due diligence committee of the board established pursuant to 261—Chapter 1.

*“Fund”* means the same as defined in Iowa Code section 15J.2.

*“Joint board”* means a legal entity established or designated in an agreement made pursuant to Iowa Code chapter 28E between two or more contiguous counties or incorporated cities.

*“Maximum benefit amount”* means the total amount of new tax revenues that may be remitted to a municipality’s account and used for development in a district. The maximum benefit will be established by the board when a final application to the program is approved pursuant to rule 261—200.5(15J).

*“Municipality”* means the same as defined in Iowa Code section 15J.2.

*“New lessor”* means the same as defined in Iowa Code section 15J.2.

*“New retail establishment”* means the same as defined in Iowa Code section 15J.2.

*“New tax revenues”* means all state sales tax revenues and state hotel and motel tax revenues that are collected within a district by new retail establishments and new lessors, provided that such new retail establishments and lessors are included as projects in an approved district plan. New tax revenues are remitted to the department after collection by new retail establishments and new lessors and deposited by the department in an account.

*“Program”* means the reinvestment district program established pursuant to Iowa Code chapter 15J and this chapter.

*“Project”* means the same as defined in Iowa Code section 15J.2.

*“Retail business”* means any business engaged in the business of selling tangible personal property or taxable services at retail in this state that is obligated to collect state sales or use tax under Iowa Code chapter 423. However, for the purposes of this chapter, “retail business” does not include a new lessor or a business engaged in an activity subject to tax under Iowa Code section 423.2(3).

*“State hotel and motel tax”* means the same as defined in Iowa Code section 15J.2.

*“State sales tax”* means the same as defined in Iowa Code section 15J.2.

*“Substantially improved”* means the same as defined in Iowa Code section 15J.2.

*“Unique nature”* means a quality or qualities of the projects to be developed in a district that, when considered in the entirety, will substantially distinguish the district’s projects from other existing or proposed developments in the state. For purposes of this chapter, whether a project is of a unique nature is a subjective and contextual determination that will be made by the board. In determining whether a project is of a unique nature, the board will not necessarily require a project to be entirely without precedent or to be the only one of its kind in the state, but rather, the board will evaluate whether the projects to be undertaken in a district will either (1) permanently transform the aesthetics

or infrastructure of a local community for the better, including by preserving important historical structures or neighborhoods, or (2) contribute substantially more to the state's economy or quality of life than other similar projects in the state.

“*Vertical improvement*” means the same as defined in Iowa Code section 15J.2. For the purposes of this definition, “appurtenant structure” means any building or other fixture on a piece of real estate other than the main building, provided that such a building or fixture is permanent, is wholly or partially above grade, and will be constructed or substantially improved in conjunction with the main building. A structure is appurtenant when the structure is physically connected to a main building such that the connected structures combine to create a single, integrated facility. A structure is not physically connected if the structure has a function or purpose independent of the main building, even if the structures are in close proximity or are incidentally connected by some means such as a common wall, a sidewalk, or recreational trail.

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

### **261—200.2(15J) Preapplication process.**

**200.2(1) Purpose.** The authority and the board will utilize a preapplication process to gauge the level of demand for funding under the program, accept initial project plans and requests for funding, make provisional determinations about the amount of maximum benefits, and notify applicants of the board's provisional funding decisions.

**200.2(2) Preapplication required.** The board will only approve a proposed district plan if that plan has been submitted during the annual filing window as described in this rule.

**200.2(3) Annual filing window.** Each year that funding is available, the authority will announce an annual filing window to accept preapplications under the program. The purpose of the annual filing window is to enable the competitive scoring of applications and facilitate funding decisions by the board that are within the limitations established for the program by the general assembly. A municipality interested in applying to the program must submit a preapplication during the annual filing window or wait until the next annual filing window.

**200.2(4) Preapplication submission requirements.** Each preapplication submission shall demonstrate compliance with the requirements listed in rule 261—200.3(15J) to the greatest extent possible. While the preapplication process is provisional in nature and is designed to allow applicants to make reasonable changes to the proposed district plan before a final application is considered, the board is more likely to approve funding for proposed districts that meet all requirements of rule 261—200.3(15J) during the preapplication process.

**200.2(5) Provisional funding decisions.**

*a.* The board, with the assistance of the authority, will evaluate the preapplications and assign them a provisional score based on the criteria described in rule 261—200.4(15J). Based on the results of the scoring, the board will make provisional funding decisions and notify applicants.

*b.* A provisional funding decision represents an initial judgment by the board about the merits of a proposed district plan and is provided for the convenience of both applicants and the board for the better administration of the program. A provisional funding decision shall not be construed as binding on the board nor will the applicant be required to meet all of the details contained in the preapplication. A provisional funding decision shall not be construed as a final approval by the board. A municipality shall not adopt an ordinance or resolution establishing a district based on a provisional funding decision.

*c.* The final details of a proposed district plan and a final funding decision, including a maximum benefit amount and a commencement date, shall be contingent upon the receipt of a full, final, and complete application and upon final action by the board to ratify, amend, defer, or rescind its provisional funding decision as provided in rule 261—200.5(15J).

*d.* The department will not deposit moneys into an account until a final application is approved by the board and an ordinance or resolution has been adopted by the municipality.

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

**261—200.3(15J) Program eligibility and application requirements.**

**200.3(1) Eligibility.** To be eligible for benefits under the program, an applicant shall demonstrate that all requirements in Iowa Code section 15J.4(1) are met.

*a.* To establish that the criterion in Iowa Code section 15J.4(1) “*a*” is met, a municipality should submit information such as an estimate of the expected increase in valuation or other data that lends itself to a quantitative assessment of the extent to which the real property will benefit.

*b.* To establish that the criterion in Iowa Code section 15J.4(1) “*b*” is met, a municipality should submit maps of the proposed area as well as maps of the existing enterprise zone or urban renewal area. A municipality should also submit copies of the local ordinance or resolution establishing the enterprise zone or the urban renewal area.

*c.* For purposes of establishing that the criterion in Iowa Code section 15J.4(1) “*c*” is met, “contiguous” means parcels that are physically connected. Parcels connected by streets or other rights-of-way will be considered physically connected for purposes of this rule. In designating an area that includes a right-of-way, an applicant may include an area that is less than the full width of the right-of-way, but the applicant shall not include less than 60 feet of the right-of-way’s width.

**200.3(2) Proposed district plan.** An applicant must submit a proposed district plan consistent with the requirements of Iowa Code section 15J.4(2) and a copy of the resolution approving the proposed district plan to the authority.

*a.* The finding required by Iowa Code section 15J.4(2) “*a*” should be supported by the information required under subrule 200.3(1).

*b.* If, at the time an application is submitted, the parcels to be included in the proposed district are not yet acquired or one or more parcels within the district are under consideration for a project, then the names and addresses of the owners of record of all parcels under consideration shall be submitted with the understanding that final board approval shall be contingent upon all parcels being acquired and identified by address prior to final board approval and establishment of the commencement date.

*c.* The project description required by Iowa Code section 15J.4(2) “*d*”(4) should include an explanation of why the unique characteristics of the proposed project cause the project to be of a unique nature as defined in rule 261—200.2(15J).

**200.3(3) Additional conditions.** A municipality shall demonstrate to the board’s satisfaction that all of the additional conditions in Iowa Code section 15J.4(3) “*b*” are met and the following additional conditions are met:

*a.* The applicant must have submitted an application under the preapplication process described in rule 261—200.4(15J) and, as part of a provisional funding decision by the board, must have been approved for a provisional maximum benefit amount.

*b.* The proposed district plan must meet a minimum score under the criteria described in rule 261—200.4(15J).

*c.* While multiple districts within a single municipality are not prohibited under the program, the size of any one district is limited by Iowa Code section 15J.4(1) “*c*” and overlapping districts are prohibited by Iowa Code section 15J.4(1) “*e*.” Therefore, the board will consider whether the approval of an additional district is appropriate given the particulars of the proposed additional district and the goals of the program. If a municipality proposes an additional district, the board, at its discretion, may accept the application and score it, or if the board determines that approval of an additional district would not serve the goals of the program, the board may reject the application without scoring it.

*d.* While it is within the discretion of the board to increase the maximum benefit amount of an approved district, the board will carefully scrutinize whether an increase is justified by circumstances such as greater investment or improved projects within the district and whether any change in the maximum benefit amount serves the goals of the program.

**200.3(4) Application materials and submission.** A municipality interested in applying for funding under the program shall submit a preapplication and a final application to the board for approval and, when applying, shall provide the information described in this chapter or any other

information the board or the authority may reasonably require in order to process the application. Information on submitting an application under the program may be obtained by contacting the authority.

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

**261—200.4(15J) Application scoring and determination of benefits.** The board will evaluate and score the proposed district plan submitted with each complete and eligible application according to the criteria and process described in this rule.

**200.4(1) Scoring criteria and plan evaluation.** Each proposed district plan will be given a numerical score between 0 and 100. The higher the numerical score, the more likely the proposed district will be approved for designation and funding under the program. The scoring process will necessarily involve a subjective assessment of the quality of each proposed district plan as well as a consideration of how each proposed district plan compares to the plans proposed by other applicants. The criteria used to score each application are as follows:

*a. Uniqueness.* The program requires that the projects proposed to be undertaken must be of a unique nature. Therefore, the proposed district plan will be evaluated on this criterion in order to quantify the extent to which the projects in the proposed district plan are of a unique nature. The more unique the projects are, the more points will be received under this criterion.

*b. Economic impact.* The program requires that the projects proposed to be undertaken must have a substantial beneficial impact on the economy of the state and the economy of the municipality. Therefore, the proposed district plan will be evaluated on this criterion in order to quantify the extent to which the projects in the proposed district plan will benefit the economy. The greater the economic impact of the proposed district plan, the more points will be received under this criterion.

*c. Project feasibility.* The program requires that funding sources for projects must be feasible. Therefore, the proposed district plan will be evaluated on this criterion in order to quantify the extent to which the funding sources of the proposed projects are feasible. The more feasible the funding sources for the proposed projects are, the more points will be received under this criterion.

*d. Capital investment.* The program requires that at least one project with a capital investment of \$10 million or more be proposed. To the extent that the proposed district plan exceeds this minimum level of capital investment, more points will be received under this criterion.

*e. Funding leverage.* The program limits the amount of new tax revenues that can be received to 35 percent of the total cost of all proposed projects in the proposed district plan. To the extent that a proposed district plan includes a financing plan in which the percentage of new tax revenues to be received is less than 35 percent of the total cost, more points will be received under this criterion.

*f. Nonretail focus.* The program limits the amount of proposed capital investment in the district related to retail businesses to 50 percent of the total capital investment for all proposed projects in the proposed district. To the extent that a proposed district plan includes projects that provide cultural amenities, tourist attractions and accommodations, infrastructure, or quality of life improvements, more points will be received under this criterion.

*g. Additional factors.* The program allows the board to establish additional criteria for the program. Therefore, in addition to the other criteria listed in this subrule, the board will consider the following additional factors:

(1) Readiness for development. The closer a municipality is to beginning development on a proposed district plan, the more points may be received under the additional factors criterion.

(2) Geographic diversity. To the extent that a proposed district is located in a region of the state not already funded under the program, more points may be received under the additional factors criterion. A proposed district plan that would create an additional district within a municipality or a request to increase the maximum benefit amount of an already approved district will not be viewed as enhancing geographic diversity and may receive fewer points under the additional factors criterion.

(3) Funding need. To the extent that a funding gap exists in the proposed district plan's financing, more points may be received under the additional factors criterion.

**200.4(2)** *Scoring process and funding recommendations.*

*a.* Proposed district plans will be scored by an evaluation committee consisting of members appointed by the director of the authority. Members of the committee will include authority staff and not more than five members of the board. Each member of the evaluation committee will judge the proposed district plan according to the scoring criteria, and then the scores of all members of the committee will be averaged together to reflect one numerical score between 0 and 100. The evaluation committee will not make a funding recommendation.

*b.* After all applications are scored, a copy of the proposed district plan and the results of the scoring will be referred to the due diligence committee, which will consider the quality of the proposed district plans and make funding recommendations to the board. The due diligence committee will take into account the requested funding levels but will also attempt to establish maximum benefit amounts that seem most appropriate to both the quality of the proposed district plans and the total demand for program funding.

*c.* The scoring results will not be negotiated and, while both the board and the due diligence committee will consider the scoring results of the evaluation committee, those results are not binding on either the due diligence committee or the board.

**200.4(3)** *Minimum score required.* To receive funding under the program, a proposed district plan must receive an average score of 70 or more points under the criteria listed in subrule 200.4(1).

**200.4(4)** *Funding not guaranteed.* The program is subject to a total aggregate limit on the amount of new tax revenues that may be approved. Therefore, a proposed district plan that meets the required minimum score is not guaranteed funding if the board's funding decisions for other, higher scoring proposed district plans cause the program's total aggregate limit to be reached.

**200.4(5)** *Final action taken by board.* The final decision on whether to approve the designation of a proposed reinvestment district and the determination of the amount of maximum benefit to award an applicant rest entirely with the board. The recommendations of the evaluation committee and the due diligence committee with respect to the proposed district plans are of an advisory nature only.

**200.4(6)** *Availability of scoring results.* The board and the authority will keep records of the scoring process and make those records available to applicants.

**200.4(7)** *Denial of plans and resubmission.* Reasons for denial of district plans may include a failure to meet filing deadlines, a failure to meet the basic requirements for eligibility, a failure to meet the required minimum score, or a lack of available funding. A municipality whose application is denied may resubmit the application at the next annual filing window, provided there is funding available, but a resubmission must be rescored with all other applicants that apply during that filing window.

**200.4(8)** *Provisional nature of preapplication process.* The preapplication process described in rule 261—200.2(15J) will result in provisional scores and provisional funding decisions for applicants. However, these provisional scores and funding decisions are subject to change pending the final approval process described in rule 261—200.5(15J).

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

**261—200.5(15J) Final application and approval process.****200.5(1)** *Final application required.*

*a.* An applicant that receives a provisional funding decision must submit a final application to the board within one year of the submission of the preapplication.

*b.* A final application shall meet all the requirements described in Iowa Code section 15J.4 and rule 261—200.3(15J).

**200.5(2)** *Amendments to preapplications and rescoring of plans.* An applicant may amend any part of the preapplication when submitting the final application and must amend the application if any part of the proposed district plan will be materially different from the plan that was proposed during the preapplication process. If the board determines that a final application is substantially different from the related preapplication, then the board may rescore the application and reevaluate the

provisional funding decision prior to taking final action. If the board elects to rescore and reevaluate an application, the application will be rescored and reevaluated in the same manner and according to the same criteria used initially.

**200.5(3)** *Final funding decision and establishment of commencement date.* After submission of all information required for the final application, the board will make a final funding decision, establish a final maximum benefit amount, and establish a commencement date for the district as described in Iowa Code section 15J.4(3) “d.”

**200.5(4)** *Provisional funding decisions not determinative of final funding decision.* The board’s final funding decision may be different from its provisional funding decision. The board may ratify, amend, defer, or rescind the provisional funding decision. If the board’s final funding decision causes additional funding to become available, the board may amend a funding decision for another proposed district plan made during the same annual filing window or may reserve the additional funding capacity for the next annual filing window.

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

### **261—200.6(15J) Adoption of ordinance and use of deposits.**

**200.6(1)** *Ordinance and notice to department.* Upon receiving approval by the board of the final application pursuant to rule 261—200.5(15J), the municipality shall adopt an ordinance or, in the case of a joint board, a resolution establishing the district consistent with Iowa Code section 15J.4(4) “c.” Notice to the director of revenue shall be provided consistent with Iowa Code section 15J.4(4) “a” and “b.”

**200.6(2)** *Use of deposits.*

*a.* For the purpose of determining eligible uses of moneys deposited in an account pursuant to Iowa Code section 15J.4(4) “d,” “development” means all costs reasonably related to a project described in a final application approved by the board. Development costs may include project planning, professional services, land acquisition, construction, maintenance, and operational expenses. A municipality shall enter into development agreements for the expenditure of program funds and submit copies of such agreements to the authority within 30 days of execution.

*b.* Moneys deposited in an account shall only be used to fund projects approved by the board as part of a proposed district plan. Moneys deposited in an account may be used for projects that do not generate new tax revenues, provided such projects are part of an approved plan. A municipality shall maintain records documenting the use of deposits under the program and make them available to the board or the department upon request.

*c.* Moneys from new tax revenues collected within a district and expended by a municipality under the program are subject to audit by the department or the auditor of state.

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

### **261—200.7(15J) Plan amendments and reporting.**

**200.7(1)** *Plan amendments.*

*a.* Requests for amendments shall include updated or amended feasibility and economic impact studies as determined necessary by the authority. A plan amendment request that does not increase the maximum benefit amount may be requested at any time.

*b.* A request to extend a district’s established commencement date will be rejected.

*c.* If, after final approval and establishment of the district, a municipality is unable to carry out development of all the projects proposed to be undertaken in a district, the municipality shall seek a modification to the plan. If a requested plan amendment would reduce capital investment in a district or remove one or more of the projects originally approved for the district, the board in its discretion may reduce, rescind, or otherwise modify the maximum benefit amount accordingly.

**200.7(2)** *Reports.* Following establishment of a district, the municipality shall submit the reports required by Iowa Code section 15J.4(6). Reports will be posted on the authority’s website in accordance with Iowa Code section 15J.4(7).

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

**261—200.8(15J) Cessation of deposits, district dissolution, and requests for extension.**

**200.8(1)** *Cessation of deposits.* Deposits to the district's account shall cease in accordance with Iowa Code section 15J.8.

**200.8(2)** *District dissolution.* If a municipality is notified that its maximum benefit amount has been reached, the municipality shall dissolve the district by ordinance or resolution as soon as practicable after notification.

**200.8(3)** *Requests for extension.* The board may extend the district's 20-year period of time for depositing and receiving revenues in accordance with Iowa Code section 15J.8(3).

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

**261—200.9(15J) Cross-reference to department rules.** The department has adopted rules for the administration and deposit of moneys into the fund and into accounts in 701—Chapter 273.

[ARC 0135D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code chapter 15J.

[Filed ARC 1175C (Notice ARC 0947C, IAB 8/21/13), IAB 11/13/13, effective 12/18/13]

[Filed ARC 5319C (Notice ARC 5185C, IAB 9/23/20), IAB 12/16/20, effective 1/20/21]

[Editorial change: IAC Supplement 12/15/21]

[Filed ARC 0135D (Notice ARC 9833C, IAB 12/24/25), IAB 3/18/26, effective 4/22/26]



CHAPTER 201  
IOWA MAJOR EVENTS AND TOURISM PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**261—201.1(15G) Definitions.**

“*Applicant*” means an eligible entity that is applying for financial assistance through the program.

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

“*Board*” means the Iowa economic development authority board.

“*Entity*” means the same as defined in Iowa Code section 15G.101.

“*Event*” means the same as defined in Iowa Code section 15G.101.

“*Financial assistance*” means the same as defined in Iowa Code section 15G.101.

“*Matching funds*” means a cash contribution made by an entity applying for financial assistance. “*Matching funds*” does not include any in-kind noncash contributions.

“*Program*” means the Iowa major events and tourism program administered pursuant to this chapter and Iowa Code sections 15G.101 through 15G.104.

“*Recipient*” means an entity that has been awarded financial assistance.

[ARC 0136D, IAB 3/18/26, effective 4/22/26]

**261—201.2(15G) Eligibility.**

**201.2(1)** In addition to the eligibility criteria in Iowa Code section 15G.103(2), an event must meet the following criteria to be eligible for financial assistance under the program:

*a.* The event must be an event that has not previously been held in Iowa or has a quality or qualities that substantially distinguish the event from other events that have been held or could be held in the state.

*b.* The event must be a ticketed event or require registration.

*c.* The event will generate significant attendance from an out-of-state audience.

*d.* The event is or will be held no more frequently than one time annually in Iowa.

*e.* The hosting rights for the event were not secured by the entity applying for financial assistance before July 1, 2025.

**201.2(2)** To determine whether an event is a tourism-oriented athletic contest, convention, music festival, or art festival for the purposes of the program, the authority will consider the following factors:

*a.* Whether the event encourages overnight stays.

*b.* Whether the event contributes to the vitality of the host region’s tourism and economic development activity.

*c.* Whether the marketing plan for the event targets an audience from more than 50 miles away from the event location.

*d.* Whether the event elevates the profile of the state as a destination and encourages other events to seek Iowa communities as a host.

[ARC 0136D, IAB 3/18/26, effective 4/22/26]

**261—201.3(15G) Preapplication.** Entities interested in applying for financial assistance shall submit a preapplication to the authority in the form and content prescribed by the authority. The preapplication will be evaluated by staff for eligibility based on the criteria in Iowa Code section 15G.103(2) and rule 261—201.2(15G).

[ARC 0136D, IAB 3/18/26, effective 4/22/26]

**261—201.4(15G) Application.**

**201.4(1)** Entities that are invited to apply for the program based on their preapplication and staff review conducted pursuant to rule 261—201.3(15G) shall submit an application to the authority in the form and content prescribed by the authority. The application shall contain the following:

- a. An economic analysis that meets the requirements in Iowa Code section 15G.103(2) “a”(2).
- b. A marketing plan for the event that demonstrates to the satisfaction of the authority that the entity has the capacity and expertise to market the event appropriately.
- c. Documentation of the entity’s nonprofit status and documentation that the entity is established to promote economic development and tourism in an area.
- d. The request for proposals or other comparable documents that the entity has responded to or will respond to in order to secure the event.
- e. Documentation of the entity’s ability to provide matching funds as required by Iowa Code section 15G.103(4) “b.”
- f. Documentation of the expenditures required as part of the entity’s bid for the event.

**201.4(2)** An application must be for a minimum request of \$200,000.

**201.4(3)** An entity shall submit only one application for the program per bid process.

**201.4(4)** Authority staff will evaluate each application based on the criteria identified in Iowa Code section 15G.103 and the following criteria:

- a. Whether the event would be new to Iowa or has been held in Iowa within the previous three years.
- b. Whether receipt of financial assistance will be necessary for a successful bid or selection.

**201.4(5)** Following staff evaluation, eligible applications will be forwarded to the board for its final funding decision.

[ARC 0136D, IAB 3/18/26, effective 4/22/26]

#### **261—201.5(15G) Eligible expenses.**

**201.5(1)** Expenditures identified in Iowa Code section 15G.102(2) that are required as part of the entity’s bid for an event are eligible for financial assistance.

**201.5(2)** Expenses for expenditures not directly related to the bidding and selection process are ineligible for reimbursement, including but not limited to:

- a. Costs of developing or making permanent improvements to facilities, payroll or operating expenses.
- b. Costs otherwise eligible but associated with a recipient-owned or recipient-controlled venue or asset.
- c. Items that are purchased for resale.
- d. Any item not required as part of the entity’s bid for an event.

[ARC 0136D, IAB 3/18/26, effective 4/22/26]

#### **261—201.6(15G) Administration.**

**201.6(1)** *Notification.* The authority will notify successful applicants in writing of their approved application for financial assistance and prepare an agreement that reflects the terms of the financial assistance. The recipient must execute and return the agreement to the authority within 60 days of the transmittal of the final agreement from the authority. Failure to do so may result in termination of the financial assistance by the authority.

**201.6(2)** *Disbursement.* Financial assistance will be disbursed on a reimbursement basis. The authority will establish the frequency and amounts available for disbursement in the agreement entered pursuant to subrule 201.6(1).

**201.6(3)** *Reporting requirements.*

a. Each recipient shall submit an annual report that includes information about the status of the event and any information required by Iowa Code section 8.57.

b. A recipient shall submit information reasonably required by the authority to make reports to the authority’s board, the governor’s office, or the general assembly.

**201.6(4)** *Remedies for noncompliance.* If the authority finds that a recipient is not in compliance with program requirements or the terms and conditions of the agreement, the authority may employ any remedies it deems appropriate, including but not limited to the following:

- a.* Issue a warning letter stating that continued failure to comply with program requirements within a stated period of time will result in a more serious action.
- b.* Condition future financial assistance on correcting compliance issues.
- c.* Require that some or all of the financial assistance be remitted to the authority.
- d.* Elect not to provide future financial assistance to the recipient until appropriate actions are taken to ensure compliance.
- e.* Prohibit future awards of financial assistance.

[ARC 0136D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code sections 15G.101 through 15G.104.

[Filed ARC 0136D (Notice ARC 9829C, IAB 12/24/25), IAB 3/18/26, effective 4/22/26]



CHAPTERS 202 to 210  
Reserved



CHAPTER 211  
COMMUNITY ATTRACTION AND TOURISM (CAT) PROGRAM  
[Prior to 9/6/00, see 261—Ch 65]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**261—211.1(15F) Definitions.** When used in this chapter unless the context otherwise requires:

“*Attraction*” means a permanently located recreational, cultural, educational, or entertainment activity that is available to the general public.

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

“*Board*” means the same as defined in Iowa Code section 15.102.

“*CAT*” means community attraction and tourism.

“*CAT review committee*” means the committee established by Iowa Code section 15F.203(2).

“*Economic development organization*” means an entity organized to position a community to take advantage of economic development opportunities and strengthen a community’s competitiveness as a place to work and live.

“*Local support*” means endorsement by local individuals, organizations, and political subdivisions that have a substantial interest in a project.

“*Nonfinancial support*” may include but is not limited to the value of labor and services. Real property and personal property donated for purposes of the project are considered financial support at their fair market value.

“*Public organization*” means a not-for-profit economic development organization or other not-for-profit organization, including one that sponsors or supports community or tourism attractions and activities.

“*Recipient*” means the entity under contract to receive CAT funds and undertake the funded activity.

“*School district*” means a school corporation organized under Iowa Code chapter 274.

“*Vertical infrastructure*” means the same as defined in Iowa Code section 15F.203(3).

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

**261—211.2(15F) Eligible applicants.** Eligible applicants for CAT funds include cities, counties, public organizations, and school districts in cooperation with a city or county. Any eligible applicant may apply individually or jointly with another eligible applicant or other eligible applicants. A school district must apply jointly with a city or county.

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

**261—211.3(15F) Eligible projects.**

**211.3(1)** Eligible projects provide recreational, cultural, entertainment, and educational opportunities. Funded projects must position a community to take advantage of economic development opportunities in tourism and strengthen a community’s competitiveness as a place to work and live. Completed projects must be open to the public for general use.

**211.3(2)** Eligible CAT projects must be primarily vertical infrastructure projects.

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

**261—211.4(15F) Ineligible projects.**

**211.4(1)** The board shall not approve an application for assistance under this program to refinance an existing loan.

**211.4(2)** A recipient may not receive more than one CAT award for a single project. However, previously funded projects may receive an additional award(s) if the applicant demonstrates that the funding is to be used for a significant expansion of the project or a new project.

**211.4(3)** The board shall not approve an application for assistance in which the combination of CAT funds plus other state funds would constitute more than 50 percent of the total project costs.

**211.4(4)** Work completed and costs incurred, except the acquisition of real estate, prior to the date of a potential CAT award are ineligible for funding under the CAT programs.

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

**261—211.5(15F) Application requirements.** Applications for the program must contain all the information identified in Iowa Code section 15F.202(2).

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

**261—211.6(15F) Application procedure.** Authority staff will review applications for completeness and eligibility and as described in subrule 211.7(1). A review, analysis, and evaluation from the authority staff will be submitted to the CAT review committee, which will then make a final recommendation to the board for final approval, denial, or deferral.

**211.6(1)** Applicants must submit a notice of intent to apply on a form provided by the authority. The authority will send standard application forms to those applicants who have submitted a notice of intent to apply. The notice of intent to apply form will be available on the authority's website. The authority can waive this requirement for good cause.

**211.6(2)** Authority staff may provide technical assistance as necessary. Authority staff and board members may conduct on-site evaluations of proposed projects.

**211.6(3)** Incomplete or ineligible applications will not be forwarded to the CAT review committee or board for review.

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

**261—211.7(15F) Application review.**

**211.7(1)** Authority staff will review each application for the following information:

- a. Whether the application documents local support for the proposed activity.
- b. Whether the proposed project is primarily a vertical infrastructure project.
- c. Whether at least 65 percent of the funds needed to complete the proposed project have been raised or pledged. Other state funds cannot be counted as match until the applicant can document that at least 50 percent of the funds have been raised. Moneys raised at any time and not yet spent may be considered as local match. Up to 25 percent of the local match may be nonfinancial support.

**211.7(2)** The CAT review committee shall consider, at a minimum, the criteria identified in Iowa Code section 15F.203(3).

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

**261—211.8(15F) Administration.**

**211.8(1)** *Administration of awards.*

a. A contract shall be executed between the recipient and authority. The authority and the board reserve the right to negotiate terms and conditions of the contract.

b. The recipient must execute and return the contract within 45 days of transmittal of the final contract. Failure to do so may be cause for the board to terminate the award.

c. Certain projects may require that permits or clearances be obtained from other state or local agencies before the project may proceed. Awards may be conditioned upon the timely completion of these requirements.

d. Awards may be conditioned upon commitment of other sources of funds necessary to complete the project.

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

**211.8(2)** *Disbursement of funds.* Recipients shall submit requests for funds in the manner and on forms prescribed by the authority. Individual requests for funds shall be made in an amount equal to or greater than \$1,000 per request, except for the final draw of funds.

**211.8(3)** *Recordkeeping and retention.* The recipient shall retain all financial records, all supporting documents, and all other records pertinent to the funded CAT project for three years

after contract closeout. Representatives of the authority or its designees shall have access to all records belonging to or in use by recipients pertaining to CAT funds.

**211.8(4)** *Performance reports and reviews.* Upon request of the authority or the board, recipients shall submit performance reports in the manner and on forms prescribed by the authority. Reports shall assess the use of funds and progress of activities. The authority may perform any reviews or site visits necessary to ensure each recipient's performance.

**211.8(5)** *Amendments to contracts.* Any substantive change to a contract shall be considered an amendment. Substantive changes include time extensions, budget revisions and significant alterations of the funded project that change the scope, location, objectives or scale of the approved project. Amendments must be requested in writing by the recipient and are not considered valid until approved by the board and confirmed in writing.

**211.8(6)** *Contract closeout.* Upon project completion, the authority shall initiate contract closeout procedures.

**211.8(7)** *Compliance with state and local laws and regulations.* Recipients shall comply with all applicable federal, state or local laws, rules or regulations, including but not limited to these rules, any provisions of the Iowa Code governing the program, or the recipient's project or operations.

**211.8(8)** *Remedies for noncompliance.* At any time before contract closeout, the authority may, for cause, find that a recipient is not in compliance with the requirements of this program. Remedies for noncompliance may include penalties up to and including the return of program funds. Reasons for a finding of noncompliance include but are not limited to the recipient's use of funds for activities not described in the contract, the recipient's failure to complete funded projects in a timely manner, the recipient's failure to comply with applicable federal, state or local laws, rules or regulations, or the lack of a continuing capacity of the recipient to carry out the approved project in a timely manner.

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

**261—211.9(15F) Allocation of funds.** Funds shall be allocated in accordance with Iowa Code section 15F.204(5) through 15F.204(8).

[ARC 0137D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code chapter 15F, subchapter II.

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CHAPTER 212  
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Rescinded **ARC 9998C**, IAB 1/21/26, effective 2/25/26

CHAPTER 213  
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Rescinded **ARC 9998C**, IAB 1/21/26, effective 2/25/26

CHAPTER 214  
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Rescinded **ARC 9998C**, IAB 1/21/26, effective 2/25/26

CHAPTER 215  
SPORTS TOURISM PROGRAM: MARKETING FUND  
Rescinded **ARC 0138D**, IAB 3/18/26, effective 4/22/26



CHAPTER 216  
SPORTS TOURISM INFRASTRUCTURE PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

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

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

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

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

*“Board”* means the same as defined in Iowa Code section 15.102.

*“Financial assistance”* means the same as defined in Iowa Code section 15F.401.

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

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

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

*“Professional sporting events”* means the same as defined in Iowa Code section 15F.401.

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

*“Public entity”* means a nonprofit entity.

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

*“Sports tourism program review committee”* or *“review committee”* means the committee established by Iowa Code section 15F.402(2).

[ARC 0139D, IAB 3/18/26, effective 4/22/26]

**261—216.2(15F) Eligible applicants.** Eligible applicants are identified in Iowa Code section 15F.401(2)“a.”

[ARC 0139D, IAB 3/18/26, effective 4/22/26]

**261—216.3(15F) Eligible infrastructure projects.** Only projects that support sporting events occurring in Iowa are eligible for assistance.

**216.3(1)** When considering whether to award financial assistance for two fiscal years, the board shall evaluate metrics including the amount of revenue generated by ticket sales, the estimated economic impact, and the number of overnight stays at hotels in the city or county where the sporting event is being held. For example, economic impact may be calculated as total estimated attendance multiplied by daily attendee spending multiplied by average length of stay. If an eligible applicant wishes to supply an alternative formula for calculating economic impact, the applicant must supply a credible source for using an alternative formula. The authority may include such metrics and estimates in a program agreement executed pursuant to Iowa Code section 15F.401.

**216.3(2)** A city, county, or public entity shall not use financial assistance for costs incurred prior to approval of financial assistance.

**216.3(3)** Financial assistance shall be provided for sports tourism infrastructure projects that draw a national and international audience and attract a significant number of visitors from outside the state. Factors the authority will consider in determining whether a project is qualified under this subrule include but are not limited to whether the likelihood of a national or international audience

is validated by any available data about the anticipated audiences for the event, whether the event is nationally or internationally televised, and projected visitor information or visitor information for similar events held in the state.

[ARC 0139D, IAB 3/18/26, effective 4/22/26]

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

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

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

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

- a. Bid fees, rights fees, solicitation efforts, or lobbying fees;
- b. Travel costs or compensation of applicant staff;
- c. Expenses associated with marketing or promotion;
- d. Ongoing operational costs not specifically related to sporting events; and
- e. Other costs that the board determines to be ineligible.

[ARC 0139D, IAB 3/18/26, effective 4/22/26]

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

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

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

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

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

[ARC 0139D, IAB 3/18/26, effective 4/22/26]

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

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

**216.6(2)** When reviewing the applications, the review committee and the authority shall consider the criteria identified in Iowa Code section 15F.402(3) and the following:

- a. The extent to which the project would generate additional recreational and cultural attractions or tourism opportunities.
- b. The extent to which the sporting event to be supported by the infrastructure project is unique, innovative, or diverse.

**216.6(3)** Upon review of the recommendations of the review committee, the board shall make final funding decisions in accordance with Iowa Code section 15F.401(5).

[ARC 0139D, IAB 3/18/26, effective 4/22/26]

**261—216.7(15F) Administration.****216.7(1) Administration of awards.**

a. The agreement entered into pursuant to Iowa Code section 15F.401(8) will include the terms and conditions under which financial assistance must be repaid or penalties incurred in the event the applicant does not fulfill all obligations under the agreement.

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

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

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

**216.7(2) Reports.** The report required pursuant to Iowa Code section 15F.401(7) shall be submitted in the manner and on forms prescribed by the authority. The authority may perform any reviews or site visits necessary to ensure performance by the applicant.

**216.7(3) Requests for funds.** Recipients shall submit requests for funds in the manner and on forms prescribed by the authority. Individual requests for funds shall be made in an amount equal to or greater than \$1,000 per request, except for the final draw of funds.

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

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

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

**216.7(7) Compliance with state and local laws and regulations.** Recipients shall comply with all applicable federal, state or local laws, rules or regulations, including but not limited to these rules and any provisions of the Iowa Code governing the program or the recipient's project or operations.

**216.7(8) Remedies for noncompliance.** At any time before project closeout, the authority may, for cause, find that a recipient is not in compliance with the requirements of this program. Remedies for noncompliance may include penalties up to and including the return of program funds. Reasons for a finding of noncompliance include but are not limited to the applicant's use of funds for activities not described in the contract; the applicant's failure to complete funded projects in a timely manner; the applicant's failure to comply with applicable federal, state or local laws, rules or regulations; or the lack of a continuing capacity of the applicant to carry out the approved project in a timely manner.

[ARC 0139D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement 2022 Iowa Acts, House File 2579, and Iowa Code chapter 15F, subchapter IV.

[Filed ARC 6612C (Notice ARC 6444C, IAB 8/10/22), IAB 11/2/22, effective 12/7/22]

[Editorial change: IAC Supplement 7/10/24]

[Filed ARC 0139D (Notice ARC 9835C, IAB 12/24/25), IAB 3/18/26, effective 4/22/26]



CHAPTERS 217 to 219  
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CHAPTER 220  
RURAL HOUSING NEEDS ASSESSMENT GRANT PROGRAM  
Transferred to 261—Chapter 28, **ARC 6892C**, IAB 02/22/23

CHAPTER 221  
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Transferred to 261—Chapter 29, **ARC 6892C**, IAB 02/22/23

CHAPTER 222  
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Transferred to 261—Chapter 30, **ARC 6892C**, IAB 02/22/23

CHAPTERS 223 to 299  
Reserved



CHAPTER 300  
IOWA FILM PRODUCTION INCENTIVE PROGRAM AND FUND

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**261—300.1(15) Purpose.** The Iowa film production incentive program and the Iowa film production incentive fund are created pursuant to and for the purposes stated under Iowa Code section 15.517.  
[ARC 0140D, IAB 3/18/26, effective 4/22/26]

**261—300.2(15) Definitions.**

“*Applicant*” means a qualified production facility that is applying for a rebate under the program.

“*Authority*” means the Iowa economic development authority.

“*Capital expenditure*” means money spent to purchase or maintain fixed assets or tangible personal property, including information technology systems, having a useful life of more than one year.

“*Certified public accountant*” means the same as defined in Iowa Code section 542.3.

“*Fringes*” means payroll fees (excluding taxes), union and guild fees, insurance benefits, and worker’s compensation, specific to the production for which an applicant is applying for a program rebate.

“*Iowa business*” means a business registered and in good standing with the Iowa secretary of state.

“*Postproduction*” means the activities preparing the film or television program for final showing, including editing and sound design.

“*Preproduction*” means activities enabling the start of principal photography in Iowa, including hiring local cast and crew and final location scouting.

“*Principal photography*” means the production phase in which the bulk of shooting takes place.

“*Program*” means the Iowa film production incentive program created pursuant to Iowa Code section 15.517.

“*Qualified expenditure*” means the same as defined in Iowa Code section 15.517 and meeting the criteria in rule 261—300.5(15).

“*Qualified production*” means the same as defined in Iowa Code section 15.517.

“*Qualified production facility*” means the same as defined in Iowa Code section 15.517.

“*Rebate*” means a rebate disbursed to a recipient pursuant to Iowa Code section 15.517 after the recipient complies with all of the reporting requirements under rule 261—300.6(15).

“*Recipient*” means a qualified production facility that has been awarded a program rebate.

“*Studio*” means a company that produces and has a dedicated physical space for the production of video entertainment.

[ARC 0140D, IAB 3/18/26, effective 4/22/26]

**261—300.3(15) Eligible applicants.** An applicant must be a qualified production facility producing a qualified production and meeting the following criteria:

**300.3(1)** The production will have a total production budget of at least \$1,000,000, including a minimum of \$500,000 in qualified expenditures.

**300.3(2)** The production will be made available to the public for viewing at a venue where admission is charged or made available for purchase, for rental, or through a streaming service that requires a subscription.

**300.3(3)** Principal photography has not started as of the date of the application submission.

**300.3(4)** If applying for more than one qualified production, only one application per production is submitted.

**300.3(5)** The production must be a feature film, television series, documentary or unscripted series.

[ARC 0140D, IAB 3/18/26, effective 4/22/26]

**261—300.4(15) Application process.**

**300.4(1)** Applicants applying for the first time under the program, or as otherwise required by the authority, must submit a qualified production facility certification in the form and content prescribed by the authority as part of the application process.

**300.4(2)** Applicants must electronically file their program application in the form and content prescribed by the authority.

**300.4(3)** Applications will be reviewed by the authority for award of a program rebate. Payment of the rebate will be made only after completion of the applicant's qualified production and submission of the materials specified in rule 261—300.6(15).

**300.4(4)** Factors the authority may consider when reviewing an application include:

*a.* Extent to which the applicant will participate in training, education, and recruitment programs that are organized in cooperation with interested Iowa colleges and universities and that are designed to promote and encourage the training and hiring of Iowa residents.

*b.* Whether the rebate will incentivize the applicant to choose an Iowa location for its production over an out-of-state location.

*c.* Likelihood that approval of the rebate will result in an overall long-term positive impact to Iowa.

**300.4(5)** Based on the review process and subject to available funding, the authority may revise an applicant's overall funding request.

**300.4(6)** The authority will notify successful applicants in writing of their approved application for a rebate and prepare an agreement that reflects the terms of the award. A recipient must execute and return the agreement to the authority within 30 days of the transmittal of the final agreement from the authority. Failure to do so may result in the termination of the award by the authority.

[ARC 0140D, IAB 3/18/26, effective 4/22/26]

**261—300.5(15) Qualified expenditures.**

**300.5(1)** Qualified expenditures are expenditures incurred for industry standard preproduction, production and post-production expenses paid to Iowa businesses or to production personnel, crew and cast physically working on the production in Iowa. Qualified expenditures include:

*a.* Wages and fringes for personnel, crew and cast members.

*b.* Equipment rentals.

*c.* Equipment purchases, not to exceed \$5,000 per unit.

*d.* Rental of facilities, including other studio production facilities, located within the boundaries of Iowa that are not owned, managed or operated by the applicant or by a subsidiary, parent, affiliated or associated entity of applicant.

*e.* Hospitality services.

*f.* Certified public accountant services.

*g.* Per diem payments.

*h.* Accommodations within the boundaries of Iowa and certified in compliance with Iowa Code section 80.45A.

*i.* Transportation, limited to mileage at standard Internal Revenue Service (IRS) rates and rental fees paid to Iowa businesses and full-time Iowa residents for vehicle rentals.

*j.* Fees for submission to film festivals in Iowa.

*k.* Temporary set-based construction.

*l.* Services that directly support standard preproduction, production and postproduction expenses (e.g., security, police, fire services).

**300.5(2)** Qualified expenditures do not include:

*a.* Entertainment.

*b.* Airfare.

*c.* Royalties.

*d.* Publicity.

- e.* Compensation paid to employees with a financial interest in the recipient entity.
- f.* Permanent facility-based construction.
- g.* Capital expenditures.
- h.* Sales, use and hotel and motel taxes.

[ARC 0140D, IAB 3/18/26, effective 4/22/26]

**261—300.6(15) Reporting requirements and rebate.**

**300.6(1)** A recipient shall complete and submit all reports required by the program agreement. A recipient shall submit any information requested by the authority in sufficient detail to permit the authority to prepare any reports required by the authority, the general assembly or the governor's office.

**300.6(2)** The maximum rebate paid to a recipient will equal 30 percent of the recipient's documented qualified expenditures. The rebate amount shall not exceed the award amount specified in the notice of award and the program agreement unless otherwise agreed to by the authority in writing. Any decision by the authority on the rebate amount shall be made in the sole discretion of the authority and shall be final.

[ARC 0140D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code section 15.517.

[Filed ARC 0140D (Notice ARC 9827C, IAB 12/24/25), IAB 3/18/26, effective 4/22/26]



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

Rules transferred from Social Services Department[770] to Human Services Department[498],  
see 1983 Iowa Acts, Senate File 464, effective July 1, 1983.

Rules transferred from agency number [498] to [441] to conform with the reorganization  
numbering scheme in general, IAC Supp. 2/11/87.

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[Prior to 12/12/12, see [641] Ch 96, 98.1, Chs 103, 104]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

**641—95.1(144) Definitions.** For the purpose of 641—Chapters 95 through 100, the following definitions apply:

*“Administrative costs”* means costs for the registration, collection, preservation, modification and certification of records, including but not limited to costs related to copying, regular mailing, searching, staffing, and maintenance of systems.

*“Advanced registered nurse practitioner”* or *“ARNP”* means the same as defined in Iowa Code section 152.1.

*“Age of majority”* means the chronological moment when a child legally assumes majority control over the child’s own person and actions and decisions, thereby terminating the legal control and legal responsibilities of the child’s parents over and for the child. The period of minority extends to the age of 18 years, but every minor attains majority by marriage.

*“Amendment”* means a change made by the state registrar upon request from an entitled person as described in rule 641—95.8(144) to an obvious error, omission, or transposition of letters in a word of common knowledge one year or more after the event.

*“Birth center”* means a facility or institution, that is not an ambulatory surgical center or a hospital or in a hospital, in which births are planned to occur following a normal, uncomplicated, low-risk pregnancy.

*“Birthing institution”* means a private or public hospital licensed pursuant to Iowa Code chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services.

*“Burial-transit permit”* means the same as described in Iowa Code section 144.32.

*“Certificate”* or *“record”* means the written or electronic legal document containing the facts of an event.

*“Certificate of birth resulting in stillbirth”* means the same as described in Iowa Code section 144.31A.

*“Certificate of nonviable birth”* means a document issued based upon a nonviable birth.

*“Certified copy”* means an official copy of a registered vital record that is authenticated by the state registrar or county registrar. A certified copy contains a statement certifying the facts are true and accurate as recorded, is printed on security paper, and has authentication seals and signatures. A certified copy excludes all entries indicated as confidential or for statistical information.

*“Commemorative certificate”* means the same as described in Iowa Code section 144.45A.

*“Competent and disinterested person”* means an individual of legal age who is acquainted with both applicants who plan to marry.

*“Confidential information”* means data or information that is on a vital record, is not considered public information, and is restricted as to its release pursuant to Iowa Code chapter 144 or other provision of federal or state law.

*“Correction”* means a change made by the state registrar upon observation, upon query, or upon request from an entitled person as described in rule 641—95.8(144) to an obvious error, omission, or transposition of letters in a word of common knowledge within one year and prior to the first anniversary of the event.

*“County registrar”* means the same as described in Iowa Code section 331.601(4). If the office of the county recorder has been abolished, “county registrar” means the office to which the duties are assigned by the county board of supervisors.

*“County resident copy”* means a properly filed, clearly marked working copy of a decedent’s death certificate that is sent to and recorded by the county registrar of the county of the decedent’s residence in the event the death occurred outside the county of the decedent’s residence.

“*Court of competent jurisdiction*” means the appropriate court for the type of action. When used to refer to inspection of an original certificate of birth based upon an adoption, “court of competent jurisdiction” means the court in which the adoption was ordered.

“*Cremated remains*” means the same as defined in Iowa Code section 144.1.

“*Cremation*” means the same as defined in Iowa Code section 144.1.

“*Custody*” means guardianship or control of vital records, including both physical possession, referred to as physical custody, and legal responsibility, referred to as legal custody, unless one or the other is specified. The state registrar will not transfer legal custody of vital records to another agency for purposes of granting public access until all the records have been purged of all confidential information.

“*Day*” means calendar day.

“*Dead body*” means the same as defined in Iowa Code section 144.1.

“*Death*” means the condition as defined in Iowa Code section 702.8.

“*Declaration of paternity registry*” means a registry for a putative father to declare paternity pursuant to Iowa Code section 144.12A. The declaration does not constitute an affidavit of paternity filed pursuant to Iowa Code section 252A.3A.

“*Delayed birth record*” means the registration of a live birth event occurring in Iowa one or more years after the date of birth that is clearly marked as delayed and shall show on its face the date of the delayed registration.

“*Delayed death record*” means the registration of a death event occurring in Iowa one or more years after the date of death that is clearly marked as delayed and shall show on its face the date of the delayed registration.

“*Delayed marriage record*” means the registration of a marriage event occurring in Iowa one or more years after the event that is clearly marked as delayed and shall show on its face the date of the delayed registration.

“*Disinterment permit*” means a permit that allows the removal of a dead human body or fetus from its original place of burial, entombment, or interment for the purpose of autopsy or reburial.

“*Electronic access*” means authority given by the state registrar to a county registrar to access electronic vital records through the electronic statewide vital records system for purposes of retrieving information. The state registrar will provide guidelines for electronic access and the retrieval of information from the electronic statewide vital records system.

“*Electronic statewide vital records system*” means the combined vital records system for registration of birth records, registration of death records, issuance of certified copies of vital records by the state registrar and county registrar, and fee accounting.

“*Emancipated minor*” means a person younger than 18 years of age who has obtained the age of majority by court order.

“*Fetal death*” means the same as defined in Iowa Code section 144.1.

“*Filing*” means the same as defined in Iowa Code section 144.1.

“*Final disposition*” means the same as defined in Iowa Code section 144.1.

“*Foundling*” means a living infant of unknown parentage whose place of birth is where the infant is found and whose date of birth shall be determined by approximation.

“*Funeral director*” means a person licensed in Iowa to practice mortuary science pursuant to Iowa Code chapter 156.

“*Gestational surrogate arrangement*” or “*surrogate mother arrangement*” means the same as defined in Iowa Code section 710.11.

“*Health care provider*” means the same as defined in Iowa Code section 144.29A.

“*Hospital*” means the same as defined in Iowa Code section 135B.1.

“*Induced termination of pregnancy*” means the same as defined in Iowa Code section 144.29A.

“*Institution*” means a facility as defined in Iowa Code section 144.1(9), including “hospital” as defined in Iowa Code section 135B.1(3) but not including “birth center” as defined in Iowa Code section 10A.711(3).

*“Institutional health facility”* means a hospital as defined in Iowa Code section 135B.1, including a facility providing medical or health services that is open 24 hours per day, seven days per week and that is a hospital emergency room or a health care facility as defined in Iowa Code section 135C.1.

*“Jurisdiction”* means the state or county to which legal authority for the system of vital statistics has been granted by statute.

*“Last name”* means surname.

*“Lineal consanguinity”* means the existence of a line of descent in which one person is descended in a direct lineal relationship to another: as between the registrant and the registrant’s parent, grandparent, great-grandparent, and so upward, in the direct ascending line; or between the registrant and the registrant’s child, grandchild, great-grandchild and so downward in the direct descending line; or any siblings of the registrant.

*“Live birth”* means the same as defined in Iowa Code section 144.1.

*“Marriage license valid date”* means the day on which the marriage license becomes valid and on or after which the parties are authorized to marry. When the marriage license valid date is computed, the date of application shall be excluded. The marriage license shall become valid after the expiration of three calendar days after the date of application unless earlier validated by a court of competent jurisdiction.

*“Medical certification”* means a statement that attests that the medical information reported on the certificate of death or fetal death is accurate to the best of the medical certifier’s knowledge.

*“Medical certifier”* means an Iowa-licensed physician, physician assistant, advanced registered nurse practitioner, or medical examiner who attests that the death event has taken place and who determines the cause and manner of death.

*“Medical examiner”* means the medical legal officer who makes the determination of the cause of death in nonroutine deaths such as nonnatural, sudden, or unattended deaths or other deaths that affect the public interest.

*“Modification”* means any change made to a record that has been accepted and registered, such as a correction, an amendment, a change after adoption or paternity determination, or any other change.

*“Mutual consent voluntary adoption registry”* means a registry that authorizes adult adopted children, adult siblings, and the biological parents of adult adoptees to register to obtain identifying birth information.

*“Natural cause of death”* means a death due to a disease or the aging process and not due to external causes.

*“Newborn safe haven registration”* means the registration of the birth of a living infant of unknown parentage who has been abandoned or left at some unknown time after birth in a location other than the place of delivery.

*“Non-birthing institution”* means a private or public hospital licensed pursuant to Iowa Code chapter 135B that does not have a licensed obstetric unit or is not licensed to provide obstetric services but may provide obstetric services on an emergency basis.

*“Non-institution birth”* means a live birth that occurs outside of an institution and not en route to an institution.

*“Nonnatural cause of death”* means the same as defined in Iowa Code section 144.28(1).

*“Nonviable birth”* means an unintentional, spontaneous fetal demise occurring after demonstration of a doppler-detected heartbeat and prior to the twentieth week of gestation during a pregnancy that has been verified by a health care provider.

*“Notification of record search”* means the document issued to the applicant when the record requested cannot be located through a search of registered records. The document contains a certification statement, is printed on security paper, and has authentication seals and signatures.

*“Officiant”* means:

1. A judge of the Iowa supreme court, court of appeals, or district court, including a district associate judge, an associate juvenile judge, or a judicial magistrate, and including a senior judge as defined in Iowa Code section 602.9202(3), or

2. A person ordained or designated as a leader of the person's religious faith.

*"Physician"* means an individual licensed pursuant to Iowa Code chapter 148.

*"Physician assistant"* means an individual licensed pursuant to Iowa Code chapter 148C.

*"Presumptive death"* means a death event presumed to have occurred in Iowa where no human body is found and a court of competent jurisdiction has determined the death has occurred.

*"Putative father"* means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the conception or birth of the child or at any time during the period between the conception and birth of the child.

*"Record of death"* means the compilation of those entries of a death, whether electronic or paper, that are contained in indexed systems that record the death event occurring in Iowa. "Record of death" includes the certificate of death.

*"Record of fetal death"* means the compilation of those entries of a fetal death, whether electronic or paper, that are contained in indexed systems that record a fetal death event occurring in Iowa. "Record of fetal death" includes the certificate of fetal death.

*"Record of foreign-born adoption"* means the compilation of those entries of a live birth event for a child born in a foreign country and adopted by an Iowa resident. "Record of foreign-born adoption" includes the certificate of foreign birth and shall not constitute U.S. citizenship.

*"Record of live birth"* means the compilation of those entries of a live birth event, whether electronic or paper, that are contained in indexed systems that record a live birth event occurring in Iowa. "Record of live birth" includes the certificate of live birth.

*"Record of marriage"* means the compilation of those entries of a marriage event, whether electronic or paper, that are contained in indexed systems that record a marriage event occurring in Iowa. "Record of marriage" includes the certificate of marriage.

*"Registrant"* means the person named on the certificate as the person who was born, died, or was married.

*"Registration"* means the same as defined in Iowa Code section 144.1.

*"Report of dissolution or annulment"* means the statistical report of dissolution or annulment, whether electronic or paper, excluding all entries indicated as confidential or for statistical information only.

*"Report of termination of pregnancy"* means the aggregated compilation of the information received by the department on terminations of pregnancies for each information item listed, with the exception of the report tracking number, the health care provider code, and any set of information for which the number is so small that the confidentiality of any person to whom the information relates may be compromised.

*"Research"* means the systematic investigation designed primarily to develop or contribute to scientific, medical, public health or psychosocial disciplines and generalized knowledge and not for private gain.

*"Sealed"* means the removal from inspection of any copy of an original certificate in the custody of the county registrar and the state registrar.

*"Security paper"* means standardized paper for issuing certified copies of vital record events that meets, at a minimum, national requirements for security features embedded within the paper to deter tampering, counterfeiting, photocopying, or imaging in order to help prevent fraudulent use of the certified copy and prevent identity theft.

*"Single parent birth"* means any record of live birth for which there is a reference or statement on the certificate or entry that directly indicates "no" regarding "born in wedlock" or "married"; or any record of live birth for which there is reference or statement on the certificate or entry that either parent is "unknown" or "anonymous"; or any certificate or entry that reflects the omission or absence of the name of the father of the child.

*"Spontaneous termination of pregnancy"* means the same as defined in Iowa Code section 144.29A(7) "c."

“*Standard birth registration*” means a vital record of a live birth event that occurred in Iowa that was submitted and accepted for registration within one year of the event.

“*State registrar*” means the director of the department or the director’s designee.

“*Stillbirth*” means the same as defined in Iowa Code section 136A.2.

“*System of vital statistics*” or “*system*” means the same as defined in Iowa Code section 144.1.

“*Uncertified copy*” means an unofficial copy of a registered vital record that is not printed on security paper and that does not contain any authentication by the issuing jurisdiction. Uncertified copies shall contain an overstamp such as: “Not for Legal Purposes,” “Administrative Use Only,” “Deceased,” “For Genealogical Purposes Only,” “Working Copy,” or any other overstamp as authorized by the state registrar.

“*Vital records*” means certificates or reports of birth, death, fetal death, marriage, dissolution, annulment, and related data.

“*Vital statistics*” means data derived from reports, certificates, and records of live birth, death, fetal death, induced termination of pregnancy, marriage, dissolution of marriage or annulment, and data related thereto.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.2(144) Vital records and statistics.** The department will install, maintain, and operate the system of vital statistics throughout the state. No official system for the registration of births, deaths, fetal deaths, adoptions, marriages, dissolutions, and annulments shall be maintained in the state or any of its political subdivisions other than the one provided for in Iowa Code chapter 144, including but not limited to a system maintained by any agency or private entity.

**95.2(1)** No person shall prepare or issue any certificate that purports to be an original certified copy or a copy of a certificate of birth, death, fetal death, adoption, marriage, dissolution, or annulment except as provided for in Iowa Code chapter 144 and authorized by the state registrar.

**95.2(2)** The state registrar and the county registrar will not maintain or issue copies of any vital record of an event occurring outside the state registrar’s or county registrar’s jurisdiction except as provided for in Iowa Code chapter 144 and authorized by the state registrar.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.3(144) Forms—property of department.** All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand. Official designated forms used for the express purpose of creating a vital record event will not be accessible to the general public unless authorized by rule.

**95.3(1)** The forms supplied or approved for reporting vital events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

**95.3(2)** No forms, except those furnished or approved by the state registrar, can be used in the reporting of vital events or the making of copies of vital records.

**95.3(3)** Security paper used to report vital events will be maintained in a secure location accessible only to the state and county registrars and their employees for administrative purposes.

**95.3(4)** Security paper will be used to issue certified copies of Iowa vital records and will be maintained in a secure location accessible only to the state and county registrars and their employees for administrative purposes.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.4(144) Information by others.**

**95.4(1)** Any person having knowledge of the facts shall furnish information the person possesses regarding any birth, death, fetal death, adoption, marriage, dissolution, or annulment, upon demand of the state registrar.

**95.4(2)** Every person in charge of an institution, or the person’s designee, shall maintain a record of personal particulars and data concerning each person admitted or confined to the institution pursuant to Iowa Code section 144.47. This record shall include information required by the standard

certificate of birth, death, and fetal death forms issued under the direction of the state registrar. The record shall be made at the time of admission based on the information provided by such person, but when information cannot be obtained from the person, it shall be obtained from the most knowledgeable relative or person acquainted with the facts. The name and address of the person providing the information shall be a part of the record.

**95.4(3)** Records maintained under this rule shall be retained for a period of not less than ten years and shall be made available for inspection by the state registrar upon demand.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

#### **641—95.5(144) Handling of vital records.**

**95.5(1)** State equipment and state vital records shall not be handled or accessed except by the state registrar, the state registrar's employees, or other authorized personnel for administrative purposes.

**95.5(2)** The county registrar will provide assistance to the public in accessing vital records designated as public records in the custody of the county registrar.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

#### **641—95.6(144) Fees.**

**95.6(1)** *Fees for services provided by state registrar or county registrar.* The following fees will be charged and remitted for the various services provided by the state registrar or the county registrar.

*a.* The state registrar or county registrar, as applicable, will charge a fee of \$20 for a certified copy of a vital record. If, following a search, no record is found and no certified copy is printed, the \$20 fee may be retained.

*b.* The state registrar will charge a fee of \$15 to prepare an adoption certificate, amend a certificate, amend a certificate of live birth to reflect a legal change of name, prepare a delayed certificate, process other administrative or legal actions, prepare a noncertified copy of an original certificate of birth pursuant to Iowa Code sections 144.23A and 144.24A, or prepare copies of supporting documents on file in the state registrar's office. No fee will be charged for establishment of paternity.

*c.* The state registrar will charge a fee of \$25 to file a completed application for the mutual consent voluntary adoption registry.

*d.* The state registrar will charge a fee of \$5 to update applicant information maintained in the mutual consent voluntary adoption registry and the declaration of paternity registry.

*e.* The state registrar will charge a fee of \$15 to amend an abstract or other legal documentation in support of the preparation of a new certificate.

*f.* The state registrar will charge a fee of \$35 to issue a commemorative copy of a certificate of birth or a certificate of marriage pursuant to Iowa Code section 144.45A. Fees collected will be deposited in the emergency medical services fund established in Iowa Code section 135.25.

*g.* The state registrar will charge a fee of \$15 for the purpose of issuing an uncertified copy of a certificate of birth resulting in stillbirth pursuant to Iowa Code section 144.31A.

*h.* The state registrar will charge a fee of \$15 for the purpose of issuing a certificate of nonviable birth pursuant to Iowa Code section 144.31B.

**95.6(2)** *Overpayments.* Any overpayment of \$5 or less received by the state registrar for the copying of vital records or for the preparation or amending of a certificate will not be refunded and will be retained by the department.

**95.6(3)** *Certified copy of modified vital record.* When an individual is in possession of a previously issued certified copy of a vital record and the original record is subsequently modified, the individual may request and receive a certified copy of the modified record without charge if the certified copy prior to modification is relinquished to the registrar's office that issued the certified copy, unless otherwise directed by the state registrar.

**95.6(4)** *Search of county registrar's records—fee for uncertified copy.* A person who is requesting an uncertified copy of a vital record in the custody of the county registrar shall conduct the

search of the county files to locate the record. If a copy is requested, the county registrar may charge a fee pursuant to Iowa Code section 22.3. The fee will be retained by the county.

**95.6(5) *Distribution of fees.***

*a.* All fees collected by the county registrar and the state registrar will be distributed as follows:

(1) For fees collected by a county registrar, the county registrar will retain \$4 of each \$20 fee collected by that office. The remaining fees will be sent to the state registrar and will be divided as follows:

1. For a birth certificate or a marriage certificate, the state registrar will receive \$13, and \$3 will be deposited in the general fund of the state, except for the fee collected pursuant to paragraph 95.6(1) “f.”

2. For a death certificate, the state registrar will receive \$1, the office of the state medical examiner will receive \$13, and \$2 will be deposited in the general fund of the state.

(2) Fees collected by the state registrar will be divided as follows:

1. For a birth certificate or a marriage certificate, the state registrar will retain \$14 and \$6 will be deposited in the general fund of the state.

2. For a death certificate, the state registrar will retain \$4, the office of the state medical examiner will receive \$13, and \$3 will be deposited in the general fund of the state.

*b.* All fees retained by the state registrar will be added to the vital records fund established by the department pursuant to Iowa Code section 144.46A.

*c.* All fees received by the office of the state medical examiner will be added to the operating budget established for the operation of that office.

**95.6(6) *Fee for search to verify vital statistics record.*** A fee will be charged by the state registrar for each search conducted for the purpose of providing verification of vital statistics data to an agency authorized to receive such data under subrule 95.12(2).

*a.* The amount of the fee will be determined in an agreement with the department and will be dependent on the nature and scope of the project and the resources needed to obtain the data requested.

*b.* The state registrar will retain the full amount of all fees collected under this subrule in the vital records fund established pursuant to Iowa Code section 144.46A.

**95.6(7) *Fee for researcher access to vital statistics data.*** A fee shall be charged to each researcher who is provided access to vital statistics data in accordance with Iowa Code section 144.44 and the required agreement executed with the department. The amount of the fee will be based on the nature and scope of the research project and resources required to obtain the data requested.

*a.* The state registrar will allocate the fees for copies of birth, marriage, and death certificates provided to researchers pursuant to the distribution of fees set forth in subrule 95.6(5).

*b.* The state registrar will retain in the vital records fund established pursuant to Iowa Code section 144.46A the full amount of fees collected from researchers for searching files or records to create a data file.

**95.6(8) *Service member who died while on active duty—waiver of fee.*** The certified copy fee for a birth certificate or a death certificate of a service member, as defined in Iowa Code section 29A.90, who died while on active duty will be waived for a period of one year from the date of death. Application for the certified copy shall be made by an entitled family member as described in rule 641—95.8(144) of the deceased service member or the entitled family member’s legal representative. Documentation shall be submitted at the time of application to substantiate the date of death and active duty status.

**95.6(9) *Retention of applications and reports.*** An application for a certified copy of a vital record in Iowa will be retained by the county registrar for a minimum of six months from date of issuance of the certified copy. All financial reports for vital records fees will be retained by the county registrar for a minimum of three calendar years.

**641—95.7(144) General public access of vital records in the custody of the county registrar.** A vital record may be in the custody of the county registrar if the event occurred in that county and the record is not excluded by statute or definition for purposes of confidentiality.

**95.7(1)** There will be public access and the right to inspect all vital records in the custody of the county registrar after the vital records are purged of confidential information pursuant to rule 641—95.11(144). The county registrar will allow the general public access to the electronic statewide vital records system to search as a public user as a right under Iowa Code chapter 22 for events that occurred in that county.

**95.7(2)** Information inspected and copied shall not be used to establish an official system for the registration of vital statistics except as authorized by Iowa Code chapter 144.

**95.7(3)** County registrars may issue uncertified copies of vital records held in the registrars' physical custody or accessible through the electronic statewide vital records system, except those records excluded by statute. Uncertified copies issued by the county registrar will be issued on plain white paper and clearly stamped "not for legal purposes." Security paper provided by the state registrar shall not be used to produce uncertified copies.

**95.7(4)** For records available in the electronic statewide vital records system, the state registrar will send to the county registrars a list of all records that have been modified. County registrars shall, as directed by the state registrar, remove all forms of any vital record in their physical custody from the county vital records system if the vital record appears on the list of modified records.

**95.7(5)** For records not available in the electronic statewide vital records system, the state registrar will send a copy of any modified vital record to the county of event and, if the record is a death record, to the county of residence.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.8(144) Direct tangible interest in and entitlement to a vital record.** Certified copies of vital records may be issued by the state registrar or county registrar upon written application, payment of the required fee pursuant to paragraph 95.6(1) "a," and demonstration of a verifiable, direct tangible interest and entitlement.

**95.8(1)** The following persons shall be considered to have a direct tangible interest and entitlement and are authorized to obtain a certified copy of a vital record:

*a.* The registrant, if the registrant is of legal age, has reached the age of majority, or is an emancipated minor.

*b.* A member of the registrant's immediate legal family, including:

- (1) Current spouse or surviving spouse;
- (2) Children;
- (3) Mother or father if listed on the registrant's birth certificate;
- (4) Sibling, if sibling has reached the age of majority;
- (5) Maternal grandparents, or paternal grandparents if the father is listed on the birth certificate;

or

(6) Step-parent or step-child if:

1. Legal parent and step-parent are currently married at the time of application; or
2. Step-parent is the surviving spouse of the legal parent and not remarried.

*c.* The documented legal representative of the registrant or the registrant's immediate legal family, including:

- (1) An attorney;
- (2) A court-appointed guardian;
- (3) A foster parent;
- (4) A funeral director, for up to one year following the decedent's date of death; or
- (5) A legal executor.

*d.* Other persons who demonstrate a direct tangible interest and entitlement when it is shown that the certified copy is needed to determine or protect a personal or property interest and the interest is for the benefit of the registrant.

**95.8(2)** The following persons shall not be deemed to have direct tangible interest and entitlement or be authorized to secure vital records:

*a.* Biological parents of adopted persons in the absence of a court order from the court of competent jurisdiction;

*b.* Biological family members of adopted persons;

*c.* Adopted persons requesting biological family records; or

*d.* Commercial firms or agencies requesting lists of vital record events, or lists of names, or lists of addresses, or that are not legal representatives requesting records on behalf of entitled individuals.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.9(144) Search and issuance of a certified copy of a vital record.** The search and issuance of a certified copy of a vital record shall be requested from the state registrar or county registrar.

**95.9(1)** Only entitled applicants as described in rule 641—95.8(144) may submit requests for certified copies of vital records.

**95.9(2)** A person requesting a search and issuance of a certified copy of a vital record shall provide in writing the following:

*a.* The name of the person or persons whose vital record is to be searched;

*b.* The purpose of such request;

*c.* The relationship to the registrant of the person making the request; and

*d.* The notarized signature and the address of the person making the request.

**95.9(3)** In addition to a completed written application, the applicant shall provide:

*a.* A current, legible government-issued photo identification of the applicant making the request or other identification documents acceptable to the state registrar; and

*b.* Payment of the required fee before the search is conducted.

**95.9(4)** The state registrar and county registrar will have the authority to mandate additional supporting documents to prove direct tangible interest and entitlement pursuant to rule 641—95.8(144).

**95.9(5)** If, after the search is conducted, no record is on file and the state registrar or county registrar issues a “notification of record search” on certified paper, the fee for the search will be retained pursuant to paragraph 95.6(1) “a.”

**95.9(6)** If a certified copy of a vital record is issued and sent to the applicant using a mail service and the applicant does not receive the certified copy, the state registrar or the county registrar may replace the certified copy without an additional fee using an Affidavit of Non-Receipt. The applicant must contact the issuing registrar within 90 days of the date of request. A minimum of 30 days must have elapsed from the time the certified copy was mailed. The applicant shall read the instructions, complete the Affidavit of Non-Receipt and have the applicant’s signature notarized. The original Affidavit of Non-Receipt and a photocopy of the applicant’s driver’s license must be reviewed by the issuing registrar before the certified copy can be replaced for no additional fee. The state registrar or county registrar may refuse any Affidavit of Non-Receipt when the state registrar or county registrar determines proof of receipt, fraud or misrepresentation. The state registrar will give to the registrant a notice in writing of the state registrar’s reason and intention to refuse the Affidavit of Non-Receipt.

**95.9(7)** If printed from the electronic statewide vital records system by a county registrar, the certified copy of a vital record will be stamped by the issuing county registrar to reflect the county in which the certified copy was issued.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.10(144) Search and issuance for genealogy or family history.** The search and issuance of a vital record for genealogy may be requested from the state registrar or county registrar upon written application and payment of the required fee pursuant to paragraph 95.6(1) “a.”

**95.10(1)** The state registrar or county registrar may issue certified copies of a vital record for genealogy or family history to an applicant who can satisfactorily demonstrate a line of direct lineal consanguinity and to aunts, uncles, and cousins not past twice removed.

**95.10(2)** All certified copies issued for genealogy or family history will be clearly marked “for genealogical purposes only.”

**95.10(3)** No certified copy will be issued for genealogy or family history if the registrant is known to be living.

**95.10(4)** If, after the search is conducted, no record is on file, the state registrar or county registrar will issue a “notification of record search” on certified paper, and the fee for the search will be retained pursuant to paragraph 95.6(1) “a.”

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.11(144) Registrars’ responsibility for maintenance of confidentiality.**

**95.11(1)** The state registrar and county registrar will maintain the confidentiality of the following material, records, and information:

*a.* Entries indicated as confidential or statistical in nature on the face of the record or otherwise confidential by law;

*b.* Any record that is ordered sealed by the state registrar or pursuant to a court order.

**95.11(2)** The county registrar will take all necessary steps to ensure that confidential information reflected on vital records has been redacted from general public access. If confidential information is included with accessible information, only accessible information will be made available to the general public for examination.

**95.11(3)** The county registrar will employ at a minimum all of the following methods to ensure confidentiality:

*a.* Permanently cover or remove, by appropriate means, confidential information;

*b.* Promptly process the notice to seal a record as directed by the state registrar; and

*c.* Seal and not reproduce confidential information when copies of vital records are made.

**95.11(4)** The county registrar may charge reasonable administrative costs to reflect the expenses for efforts needed to allow general public access, examination and the assurance of confidentiality of this material and information pursuant to the authority of Iowa Code chapter 22.

*a.* The administrative cost is to be paid by persons who request the services provided by the county registrar, including supervising, copying or providing a suitable place for such work.

*b.* The county registrar will retain all administrative costs collected to allow general public access, examination, and the assurance of confidentiality of the vital record and information pursuant to the authority of Iowa Code chapter 22.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.12(144) Disclosure of data.**

**95.12(1)** The state registrar may disclose data from the system of vital statistics to federal, state, county or municipal agencies of government that request such data in the conduct of their official duties, subject to conditions the state registrar may impose to ensure that the use of the data is limited to official purposes.

*a.* The aforementioned agencies shall not provide the certified copy or a copy of the vital record, or release information contained therein, to the person named on the certificate, a member of the person’s legal family, or the person’s legal representative.

*b.* Certified copies issued to the aforementioned agencies will be appropriately stamped, for example, “administrative purposes only” or “for veteran affairs purposes only.”

**95.12(2)** Confidential verifications of the facts contained in vital records may be furnished by the state registrar to any federal, state, county or municipal government agency or other entity in the conduct of the agency’s or entity’s official duties, subject to conditions the state registrar may impose to ensure that the verification is limited to official purposes. Confidential verification of the facts contained in vital records may be furnished by a county registrar to another county office, within the

county jurisdiction, in the conduct of the county's official duties, subject to conditions the state and county registrar may impose to ensure that the verification is limited to official purposes.

*a.* Such confidential verifications will be on forms prescribed and furnished by the state registrar or on forms furnished by the requesting agency or entity and acceptable to the state registrar, or the state registrar may authorize the verification in other ways.

*b.* The aforementioned agencies and entities shall not provide the original or a copy of the verified certificate, or release information contained therein, to the person named on the certificate, a member of the person's legal family, or the person's legal representative.

**95.12(3)** The state registrar may permit the use of data from vital statistics for research purposes subject to conditions the state registrar may impose to ensure the use of the data is limited to such research purposes. No data will be furnished from vital statistics for research purposes until the state registrar has prepared in writing the conditions under which the data may be used and has received an agreement signed by a responsible agent of the research organization agreeing to meet and conform to such conditions.

**95.12(4)** The state registrar may transmit to the county registrar data needed to produce certified copies of vital records pursuant to rule 641—95.8(144).

**95.12(5)** The state registrar may transmit to the statewide immunization registry information from birth certificates for the sole purpose of identifying those children in need of immunizations. The state registrar may impose conditions to ensure that the use of the information is limited to official purposes.

**95.12(6)** The state medical examiner or the county medical examiner may request an uncertified copy of a death certificate before the death certificate is accepted and filed at the county registrar's office.

*a.* The copy will be clearly stamped "administrative purposes only."

*b.* The death certificate shall be for the sole use of the state medical examiner or county medical examiner and shall not be used as a legal document, be distributed, be copied or be maintained other than to be made a part of the investigatory file.

*c.* If the state medical examiner or any county medical examiner determines the death does not warrant further investigation, the state medical examiner or county medical examiner shall destroy the uncertified copy of the death certificate.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.13(144) Preparation of certified copies.** Certified copies of vital records may be prepared and issued by the state registrar or the county registrar pursuant to rules 641—95.3(144) and 641—95.9(144).

**95.13(1)** Certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except for confidential information. Certified copies will be issued using security paper that is prescribed by the state registrar.

**95.13(2)** When a certified copy is issued, each certification will contain a statement certifying that the facts are the true facts recorded in the issuing office, the date issued, the name of the issuing office, the registrar's signature or an authorized copy thereof, and the seal of the issuing office.

**95.13(3)** No person shall prepare or issue any certificate that purports to be an original, certified copy, or copy of a certificate of birth, death, fetal death, or marriage.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.14(144) Access to original certificate of birth prior to adoption.** Notwithstanding any provision of law to the contrary, an adopted person who was born in this state and whose original certificate of birth was substituted with a new certificate of birth pursuant to Iowa Code section 144.24 based upon the adoption, or an entitled person, may apply for and obtain a noncertified copy of the original certificate of birth of the adopted person who is the subject of the original certificate of birth in accordance with this rule, including with any mandatory redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2).

**95.14(1) Entitlement.**

*a.* If an adopted person who is the subject of the original certificate of birth is submitting the application, the adopted person shall be at least 18 years of age at the time the application is filed.

*b.* If an entitled person is submitting the application, the adopted person who is the subject of the original certificate of birth must be deceased at the time the application is filed.

**95.14(2)** The adopted person or the entitled person requesting a noncertified copy of the original certificate of birth shall file a written application with the state registrar on a form and in the manner prescribed by the state registrar.

**95.14(3)** Upon receipt of the written application, proof of identification pursuant to paragraph 95.9(3)“*a*,” and payment of a fee pursuant to paragraph 95.6(1)“*b*,” the state registrar will issue a noncertified copy of the original certificate of birth to the applicant in accordance with this rule, including with any mandatory redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2). At the time of such issuance, the state registrar will also provide to the applicant any contact preference form or medical history form completed and submitted to the state registrar including with any mandatory redaction of personally identifiable information pursuant to Iowa Code section 144.24A(2).

*a.* A biological parent may file a contact preference form prescribed by the state registrar in accordance with the provisions outlined in Iowa Code section 144.24A(2) and state the biological parent’s preference for contact by an adopted person or an entitled person following application for and issuance of the noncertified copy of the original certificate of birth under this rule. The contact preference form will be provided to the biological parent in accordance with Iowa Code section 600A.4. A contact preference form may be completed or updated by the biological parent at any time at the request of the biological parent.

*b.* A biological parent may file a medical history form prescribed by the state registrar in accordance with the provisions outlined in Iowa Code section 144.24A(3) and provide medical history of the biological parent and any blood relatives. The medical history form will be provided to the biological parent in accordance with Iowa Code section 600A.4. A medical history form may be completed or updated by the biological parent at any time at the request of the biological parent.

*c.* Upon receipt of a completed contact preference form or medical history form, the state registrar will attach any such completed form to the original certificate of birth.

*d.* For the purposes of this rule, “entitled person” means the spouse of the adopted person who is deceased or an adult related to the adopted person who is deceased within the second degree of consanguinity.

*e.* An application may be submitted under this rule by an adopted person or an entitled person to obtain a noncertified copy of an adopted person’s original certificate of birth in accordance with this rule, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1971.

*f.* An application may be submitted under this rule by an adopted person or an entitled person to obtain a noncertified copy of an adopted person’s original certificate of birth in accordance with this rule, notwithstanding the date of birth of the adopted person who is the subject of the original certificate of birth prescribed under paragraph 95.14(3)“*b*.”

This rule is intended to implement Iowa Code sections 144.24A and 600A.4.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

**641—95.15(144) Certificate of nonviable birth.**

**95.15(1)** A health care provider who attends or diagnoses a nonviable birth or a hospital at which a nonviable birth occurs shall advise a patient who experiences a nonviable birth that the patient may request a certificate of nonviable birth as provided in this section and, upon request by the patient, shall provide a letter certifying the nonviable birth to the patient on the form prescribed by the state registrar.

**95.15(2)** The department will issue a certificate of nonviable birth to a patient within 60 days of receipt of a request and certification letter. The request shall be made on the form prescribed by the state registrar.

**95.15(3)** The certificate of nonviable birth will contain all of the following:

*a.* The date of the nonviable birth.

*b.* The name and sex of the baby, if known.

(1) If the name is not furnished by the patient, the department will complete the certificate with the name “baby boy” or “baby girl” and the last name of the patient.

(2) If the sex is unknown, the department will complete the certificate with the name “baby” and the last name of the patient.

*c.* The name of the patient and, if married, the patient’s spouse.

*d.* The statement: “This certificate is not proof of live birth.”

**95.15(4)** The fees collected will be remitted to the treasurer of state for deposit in the general fund of the state and the vital records fund in accordance with Iowa Code section 144.46A.

**95.15(5)** A certificate of nonviable birth shall not be filed or registered with the department. The department will not register the nonviable birth associated with a certificate issued under this section or use the nonviable birth in calculating live birth statistics.

**95.15(6)** A certificate of nonviable birth shall not be used to establish, bring, or support a civil cause of action seeking damages against any person for bodily injury, personal injury, or wrongful death for a nonviable birth.

**95.15(7)** This rule will only apply to, and a certificate of nonviable birth may be requested and issued for, nonviable births occurring on or after January 1, 2000.

This rule is intended to implement Iowa Code section 144.31B.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

#### **641—95.16(144) Cancellation of fraudulent records.**

**95.16(1)** When the state registrar determines that a certificate was registered through fraud or misrepresentation, the state registrar will give to the registrant a notice in writing of the state registrar’s intention to cancel the certificate.

**95.16(2)** The notice of cancellation will give the registrant an opportunity to appear and show cause why the certificate should not be canceled.

*a.* The notice may be served on the registrant, or, in the case of a minor or incompetent person, on the parent or guardian, by the forwarding of the notice by certified mail to the last-known address on file in the office of the state registrar.

*b.* The certificate shall not be available for certification unless the registrant, parent or guardian within 30 days after the date of mailing the notice shows cause satisfactory to the state registrar why the certificate should not be canceled.

**95.16(3)** Upon presentation to the state registrar of a court order stating a marriage certificate was registered through fraud or misrepresentation, the state registrar will remove the record from the vital statistics system. The state registrar will order the county registrar to remove any record related to the marriage.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

#### **641—95.17(144) Unlawful acts.**

**95.17(1)** *Serious misdemeanors.* Any person who reports information required under Iowa Code chapter 144 and who commits any of the following acts is guilty of a serious misdemeanor:

*a.* Willfully and knowingly makes any false statement in a report, record, or certificate required to be filed or in an application for an amendment or willfully and knowingly supplies false information intending that such information be used in the preparation or amendment of any such report, record, or certificate.

*b.* Without lawful authority and with the intent to deceive, makes, alters, amends, or mutilates any report, record, or certificate required to be filed or a certified copy of such report, record, or certificate.

*c.* Willfully and knowingly uses or attempts to use or furnish to another for use for any purpose of deception any certificate, record, or report or certified copy thereof.

*d.* Willfully and knowingly alters, amends, or mutilates any copy, certified copy, record or report.

*e.* Willfully, with the intent to deceive, uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued based upon a record that is false in whole or in part or that relates to the birth of another person.

*f.* Willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person to whose birth the record relates.

*g.* Disinterring a body in violation of Iowa Code section 144.34.

*h.* Knowingly violates a provision of Iowa Code section 144.29A.

**95.17(2)** *Simple misdemeanors.* Any person committing any of the following acts is guilty of a simple misdemeanor:

*a.* Knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided in Iowa Code sections 144.32, 144.33, and 144.34.

*b.* Refuses to provide information required by Iowa Code chapter 144.

*c.* Willfully violates any of the provisions of Iowa Code chapter 144 or refuses to perform any of the duties imposed upon the person.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

#### **641—95.18(144) Enforcement assistance.**

**95.18(1)** The department will report cases of alleged violations to the proper county attorney, with a statement of the facts and circumstances, for such action as is appropriate.

**95.18(2)** Upon request of the department, the attorney general will assist in the enforcement of the provisions of Iowa Code chapter 144.

[ARC 0142D, IAB 3/18/26, effective 7/1/26]

These rules are intended to implement Iowa Code chapter 144.

[Filed ARC 0483C (Notice ARC 0376C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]<sup>1</sup>

[Filed ARC 1074C (Notice ARC 0926C, IAB 8/7/13), IAB 10/2/13, effective 1/1/14]<sup>2</sup>

[Filed ARC 1402C (Notice ARC 1294C, IAB 1/22/14), IAB 4/2/14, effective 5/7/14]

[Filed ARC 2275C (Notice ARC 2155C, IAB 9/30/15), IAB 12/9/15, effective 1/13/16]

[Filed ARC 2933C (Notice ARC 2821C, IAB 11/23/16), IAB 2/1/17, effective 3/8/17]<sup>3</sup>

[Filed ARC 4398C (Notice ARC 4127C, IAB 11/21/18), IAB 4/10/19, effective 5/15/19]

[Filed ARC 5199C (Notice ARC 5087C, IAB 7/15/20), IAB 10/7/20, effective 11/11/20]

[Filed ARC 6108C (Notice ARC 5926C, IAB 9/22/21), IAB 12/29/21, effective 2/2/22]

[Filed ARC 6849C (Notice ARC 6648C, IAB 11/16/22), IAB 2/8/23, effective 3/15/23]

[Filed ARC 8043C (Notice ARC 7507C, IAB 1/24/24), IAB 5/29/24, effective 7/3/24]

[Filed ARC 9617C (Notice ARC 9491C, IAB 8/20/25), IAB 10/15/25, effective 12/1/25]

[Filed ARC 0142D (Notice ARC 9948C, IAB 1/7/26), IAB 3/18/26, effective 7/1/26]

<sup>1</sup> January 16, 2013, effective date of the rescission of Chapter 95 and the adoption of new Chapter 95 [ARC 0483C] delayed until adjournment of the 2013 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2013; delay lifted at the meeting held March 8, 2013.

<sup>2</sup> January 1, 2014, effective date of 95.6(2) [ARC 1074C, Item 2] delayed 70 days by the Administrative Rules Review Committee at its meeting held October 8, 2013.

<sup>3</sup> March 8, 2017, effective date of 95.2, 95.7 and 95.10 [ARC 2933C] delayed 70 days by the Administrative Rules Review Committee at its meeting held February 10, 2017.

CHAPTER 96  
BIRTH REGISTRATION

[Prior to 12/12/12, see [641] 95.1 to 95.4, Ch 99, 100.3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

**641—96.1(144) Definitions.** For the purpose of this chapter, the definitions in 641—Chapter 95 apply.  
[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.2(144) Forms—property of department.** All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand.

**96.2(1)** The forms supplied or approved for reporting birth events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

**96.2(2)** No forms, except those furnished or approved by the state registrar, shall be used in the reporting of birth events or the making of copies of vital records.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.3(144) Standard birth registration—up to seven days.**

**96.3(1)** A certificate of live birth for each live birth that occurs in this state shall be filed as directed by the state registrar within seven days after the birth.

**96.3(2)** The person responsible for registering the certificate of live birth pursuant to rules 641—96.5(144) through 641—96.7(144) shall:

*a.* Utilize the official birth worksheet to report all information and any additional documentation as needed to complete the standard form for a certificate of live birth; and

*b.* Submit all required fees and reports with the birth registration.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.4(144) Standard birth registration—seven days to one year.**

**96.4(1)** After seven days but within one year, a certificate of live birth for each live birth that occurs in this state shall be filed as directed by the state registrar.

**96.4(2)** The person responsible for registering the certificate of live birth pursuant to rules 641—96.5(144) and 641—96.6(144) shall:

*a.* Utilize the official birth worksheet to report all information and any additional documentation as needed to complete the standard form for a certificate of live birth; and

*b.* Submit all required fees and reports with the birth registration.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.5(144) Birthing institutions.**

**96.5(1)** When a live birth occurs in an institution or en route to an institution, the person in charge of the institution or the person's designated representative, utilizing the official birth worksheet, shall within seven days:

*a.* Obtain the personal data;

*b.* Obtain the signature of the mother or her legal spouse or other signature as directed by the state registrar;

*c.* Provide the medical information required;

*d.* Certify that the child was born alive at the place, date, and time stated; and

*e.* File the certificate using the electronic birth registration system or as directed by the state registrar.

**96.5(2)** The birthing institution shall submit the fee report and remit the fees to the state registrar pursuant to rule 641—96.16(144).

**96.5(3)** The birthing institution shall maintain the birth worksheet for a minimum of ten years.

**96.5(4)** Upon demand of the state registrar, the birth worksheet and other information about the birth event shall be made available for inspection by the state registrar.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.6(144) Non-birthing institutions.**

**96.6(1)** Institutions that do not register birth records through the electronic birth registration system shall request instructions from the state registrar.

**96.6(2)** When a live birth occurs in a non-birthing institution or en route to a non-birthing institution, the person in charge of the institution or the person's designated representative, utilizing the official birth worksheet for birth other than at a delivering hospital, shall within seven days:

- a. Obtain the personal data;
- b. Obtain the signature of the mother or her legal spouse or other signature as directed by the state registrar;
- c. Provide the medical information required;
- d. Certify that the child was born alive at the place, date, and time stated; and
- e. Contact the state registrar for instructions on how to submit the worksheet and arrange for payment of applicable fees.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.7(144) Non-institution birth.**

**96.7(1)** In case of a non-institution Iowa live birth, the official birth worksheet for birth other than at a delivering hospital shall be completed and filed with the state registrar by one of the following in the indicated order of priority:

- a. The physician in attendance at or immediately after the live birth.
- b. Any other person, including a certified nurse midwife or any person providing assistance with the birth, in attendance at or immediately after the live birth.
- c. The mother or her legal spouse.
- d. The person in charge of the premises where the live birth occurred.

**96.7(2)** An Iowa-licensed certified nurse midwife may preregister with the state registrar by submitting a completed Iowa-Licensed CNM Pre-Registration Application For Home Births and a clear photocopy of that person's current government-issued photo identification.

a. To register a live birth, certified nurse midwives who are preregistered shall submit to the state registrar the following:

- (1) A letter of certification that identifies the live birth submitted for registration, supports the facts of the live birth, and contains the original signature of the person responsible for registering the live birth;
- (2) The original official birth worksheet for birth other than at a delivering hospital completed and signed pursuant to subrule 96.7(4) or as directed by the state registrar;
- (3) Payment of fees, which shall be included with the birth worksheet; and
- (4) Other evidence acceptable to the state registrar as requested.

b. It is the responsibility of the individual preregistering to update any information provided in the individual's original registration.

**96.7(3)** A certified nurse midwife, or any person providing assistance with the birth, who is not preregistered prior to submitting a certificate of live birth for registration shall follow subrules 96.7(1), 96.7(2) and 96.7(4) for all live births the person attends outside a birthing institution.

**96.7(4)** The official birth worksheet for birth other than at a delivering hospital shall include a notarized signature of the mother or her legal spouse and shall be accompanied by a clear photocopy of that person's current government-issued photo identification. If photo identification is unavailable, other identifying documentation may be acceptable to the state registrar.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.8(144) Gestational surrogate arrangement birth registration.** Establishment of a certificate of live birth for a child born of a gestational surrogate arrangement shall conform to the process established pursuant to rule 641—99.15(144).

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.9(144) Foundling birth registration.**

**96.9(1)** The person assuming physical custody of a foundling shall, within one business day of finding the infant, contact the state registrar for specific directions and guidance for filing the certificate of live birth.

**96.9(2)** Foundling registration shall be completed in the standard manner by the state registrar pursuant to Iowa Code section 144.14. Within five days after assuming physical custody of the foundling, the custodian of the foundling shall provide on the official birth worksheet the following minimum birth data and other data required by the state registrar:

- a. The date when and the place where the child was found;
- b. The sex, color or race, and approximate age of the child;
- c. The name and address of the person or institution that has assumed physical custody of the child;
- d. The name given to the child by the custodian;
- e. The name, title, and license number, if any, of the person acting as the certifier to the facts of the foundling registration;
- f. Parentage information, if the parent is known;
- g. Any additional supporting information known.

**96.9(3)** The place where the child was found will be entered as the place of birth, and the date of birth will be determined by approximation. The information provided on the official birth worksheet will constitute the certificate of live birth.

**96.9(4)** The record will be on file only at the state registrar's office, and all supporting documentation will be placed in a sealed file, which shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

**96.9(5)** Pursuant to Iowa Code section 144.14, if the child is properly identified after the registration, the certificate of live birth will be reestablished as needed and all records pertaining to the foundling registration will be sealed along with the original supporting documentation that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.10(144) Newborn safe haven registration.**

**96.10(1)** Newborn safe haven registration procedures apply when a parent voluntarily relinquishes physical custody of a newborn infant pursuant to Iowa Code section 233.2.

**96.10(2)** The person assuming physical custody of the living infant pursuant to Iowa Code section 233.2(2) "a" shall, within one business day of assuming custody, contact the state registrar for specific directions and guidance for registering the birth.

**96.10(3)** If the name of the parent is unknown, newborn safe haven registration will be completed in the standard manner by the state registrar pursuant to Iowa Code section 144.14. Within five days after assuming physical custody of the infant, the custodian shall provide on the official birth worksheet the following minimum birth data and other data required by the state registrar:

- a. The date when and the place where the child was found;
- b. The sex, color or race, and approximate age of the child;
- c. The name and address of the person or institution that has assumed physical custody of the child;
- d. The name given to the child by the custodian;
- e. The name, title, and license number, if any, of the person acting as the certifier to the facts of the newborn safe haven registration;
- f. Any additional supporting information known.

**96.10(4)** If the name of the parent is disclosed to the facility where the newborn was relinquished, the facility shall file the certificate of live birth as required pursuant to Iowa Code sections 144.13 and 233.2(2) “d.”

**96.10(5)** Pursuant to Iowa Code section 144.14, if the child is properly identified after the newborn safe haven registration, the birth record will be reestablished as needed and all records pertaining to the newborn safe haven registration will be sealed along with the original supporting documentation that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

**96.10(6)** The record will be on file only at the state registrar’s office, and all supporting documentation will be placed in a sealed file that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes. The confidentiality of the live birth certificate will be maintained pursuant to Iowa Code sections 233.2(2) “d” and 144.43.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.11(144) Birth registration following a foreign-born adoption.**

**96.11(1)** A certificate of foreign birth will be established by the state registrar for a child born in a foreign nation upon the state registrar’s receipt of a completed Certificate of Adoption Report form from an Iowa court of competent jurisdiction or upon request of the resident adoptive parent or parents and the state registrar’s receipt of all of the following documents:

*a.* The authenticated adoption decree in both the foreign language and the English translation, which shall contain the official signature of the translator, or a certified copy of an adoption decree from an Iowa court of competent jurisdiction;

*b.* If the decree does not contain information to establish the certificate of foreign birth, the adoptee’s authenticated birth certificate in both the foreign language and the English translation, which shall contain the official signature of the translator;

*c.* Evidence of the adoptee’s permanent residence, such as a passport or citizenship papers;

*d.* A certified copy of the certificate of live birth of each adoptive parent; and

*e.* A notarized statement that is on letterhead from the licensed adoption agency or certified adoption investigator and that establishes the parent or parents were residents of Iowa at the time the adoption was final in the foreign nation. The statement will not be required if the parent’s or parents’ Iowa address is shown in the adoption documents.

**96.11(2)** The certificate of foreign birth shall not constitute U.S. citizenship.

**96.11(3)** The state registrar will charge the adoptive parent or parents the appropriate fee for the registration of a certificate of foreign birth for a foreign-born child adopted by a parent who resided in Iowa at the time of adoption pursuant to Iowa Code section 144.13A.

**96.11(4)** Administrative and certified copy fees shall be charged and remitted as provided in rule 641—95.6(144).

**96.11(5)** The evidence presented will be on file only at the state registrar’s office, and all supporting documentation will be placed in a sealed file that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.12(144) Birth registration fees.** A fee is required for each birth registered pursuant to Iowa Code sections 144.13, 144.13A, 144.15, 144.18, 144.23, 144.25A, and 600.15.

**96.12(1)** The parents will be charged and the person responsible for filing the certificate of live birth shall remit to the state registrar the \$20 fee for the standard registration of a certificate of live birth and the \$20 fee for a certified copy of the birth certificate pursuant to Iowa Code section 144.13A.

**96.12(2)** The individual filing a delayed certificate of live birth will be charged and shall remit to the state registrar the \$20 fee for the registration of a delayed certificate of live birth for a registrant 17 years of age or younger pursuant to Iowa Code sections 144.13A, 144.15, and 144.18.

**96.12(3)** The adoptive parents will be charged and shall remit to the state registrar the \$20 fee for the registration of a certificate of foreign birth pursuant to Iowa Code sections 144.13A and 144.25A.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.13(144) Fee collection.** If a person responsible for the registration of a certificate of live birth under Iowa Code section 144.13 is not the parent, the person shall collect the fees from the parent and remit the fees to the state registrar.

**96.13(1)** The person collecting the fee on behalf of the state registrar will not charge an administrative fee for collection of the registration and certified copy fees pursuant to Iowa Code section 144.13A(3).

**96.13(2)** A person is discharged from the duty to collect and remit the fees when the person has made a good-faith effort to collect the fees from the parent or has established that the fees are to be waived pursuant to Iowa Code section 144.13A(4).

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.14(144) Waivers.** The registration fee and certified copy fee are waived if the expenses of the birth are reimbursed under the medical assistance program established by Iowa Code chapter 249A or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.15(144) Fee deposit.** Birth registration and certified copy fees collected on behalf of the state registrar and forwarded to the state registrar will be remitted to the treasurer of state for deposit in the appropriate state fund.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.16(144) Responsibilities of institutions.** Institutions responsible for filing certificates of live birth shall collect both the registration fee and the certified copy fee from the parent.

**96.16(1)** The institution shall complete the Summary of Fee Report for Birth Registration and Certified Copy form. The institution shall submit the completed form and the total fee amount by check or money order to the state registrar within seven days of the live birth or as directed by the state registrar. All live births shall be reported and indicate for each birth that:

- a. The fee was collected for the registration and certified copy;
- b. The fee was waived, as applicable, and the reason for waiver; or
- c. No fee was collected after a good-faith effort was made.

**96.16(2)** If a late birth registration fee is received, it shall be noted on the original Summary of Fee Report for Birth Registration and Certified Copy form.

**96.16(3)** The institution shall maintain copies of the submitted Summary of Fee Report for Birth Registration and Certified Copy form for three state fiscal years.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.17(144) Responsibility for births occurring in non-institutions and non-birthing institutions.**

**96.17(1)** The state registrar will collect the registration and certified copy fees and complete a Summary of Fee Report for Birth Registration and Certified Copy form.

**96.17(2)** If a late birth registration fee is received, it will be noted on the original Summary of Fee Report for Birth Registration and Certified Copy form.

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

**641—96.18(144) Delayed birth registration—one year or more after event.** All Iowa births registered one year or more after the date of the birth shall be prepared on a Delayed Certificate of Live Birth form. The state registrar will require documentary evidence to prove the facts of the

birth pursuant to subrule 96.18(2). The delayed birth record will be registered and maintained solely at the state registrar's office.

**96.18(1)** *Application—certificate form.* A completed Delayed Certificate of Live Birth form shall be signed before a notary and filed with the state registrar by the following applicants in the indicated order of priority:

- a. The registrant, if 18 years of age or older, whose birth occurred in Iowa but was not recorded within one year of the birth;
- b. The registrant's parent or current legal court-appointed guardian; or
- c. If no parent or legal guardian exists, a member of the registrant's family who has direct tangible interest and entitlement and who is competent to affirm to the accuracy of the information.

**96.18(2)** *Facts to be established.*

a. The applicant shall submit a notification of record search certified by the state registrar that will indicate that no prior certificate of live birth is on file for the person whose delayed birth record is to be filed. The notification of record search will be returned to the applicant and will not be exchanged for a certified copy of delayed certificate of live birth.

b. The applicant shall substantiate the following with documentary evidence:

- (1) The full name of the registrant at the time of the birth, except that the delayed certificate may reflect the name established by adoption or legitimation when such evidence is submitted;
- (2) The date and place of the birth;
- (3) The full name of the mother prior to any marriage as it is listed on her birth certificate;
- (4) The full name of the mother at the time of the birth; and
- (5) The full name of the mother's legal spouse. However, if the mother was not married at the time of conception or birth or at any time during the period between conception and birth, the name of a second parent shall not be entered on the delayed certificate unless the child has been adopted or legitimated or parentage has been determined by a court of competent jurisdiction.

**96.18(3)** *Documentary evidence.*

a. To be acceptable for purposes of registration, the name of the registrant and the date and place of birth entered on a Delayed Certificate of Live Birth form shall be supported at a minimum by the following documentary evidence:

- (1) Two pieces of dated documentary evidence if the Delayed Certificate of Live Birth form is filed within seven years after the registrant's date of birth; or
- (2) Three pieces of dated documentary evidence if the Delayed Certificate of Live Birth form is filed seven years or more after the registrant's date of birth.

b. Each piece of documentary evidence must be from an independent source. Facts of parentage shall be supported by at least one of the documents.

c. Documentary evidence shall be in the form of the original record, a certified copy thereof, or a notarized statement from the custodian of the record or document on the custodian's letterhead.

d. All documentary evidence submitted shall consistently support the facts of birth to be established.

e. All documentary evidence shall have been executed at least five years prior to the date of filing or shall have been established prior to the registrant's seventh birthday.

f. Documents not acceptable to establish a delayed certificate of live birth include but are not limited to:

- (1) Baptismal record,
- (2) Confirmation record,
- (3) Family bible entries,
- (4) Hospital commemorative birth certificate,
- (5) Crib card,
- (6) Cradle roll,
- (7) Baby book memento, and
- (8) Personal affidavit.

**96.18(4)** *Abstraction and certification by the state registrar.* The state registrar will abstract on the Delayed Certificate of Live Birth form a description of each document submitted to support the facts of birth. This description will include:

- a. The title or description of the document;
- b. The name and address of the custodian who has attested to the fact on the original documents in the custodian's custody;
- c. The date of the original filing of the document being abstracted; and
- d. The information regarding the registrant's birth and parentage.

**96.18(5)** *Acceptance of documentary evidence for registration.*

- a. The state registrar will by signature certify that:
  - (1) No prior certificate of live birth is on file for the person whose birth is to be recorded;
  - (2) The evidence has been reviewed and substantiates the alleged facts of the birth; and
  - (3) The abstract of the evidence appearing on the Delayed Certificate of Live Birth form accurately reflects the nature and content of the documents.
- b. All documents submitted in support of the delayed registration of live birth will be returned to the applicant after review, abstraction, and registration.

**96.18(6)** *Denial of registration.*

a. When the applicant does not submit substantiating evidence or the state registrar finds reason to question the validity or adequacy of the evidence submitted to establish a delayed certificate of live birth, the state registrar will not register the delayed certificate of live birth. The written notice of refusal from the state registrar will include:

- (1) The rejected form;
- (2) The Delayed Birth Evidence Refusal form; and
- (3) Information related to the applicant's right of appeal to the district court pursuant to Iowa Code sections 144.17 and 144.18.

b. The application to establish a delayed certificate of live birth will be dismissed if not actively pursued within six months of the date the notice of refusal was sent to the applicant.

**96.18(7)** *Duties of the county registrar.* The county registrar may assist the registrant, registrant's parent, or current court-appointed guardian in the completion and notarization of the delayed form, excluding the portion restricted for state use only. The county registrar may forward the form, documents and fees to the state registrar for final review and possible acceptance.

**96.18(8)** *Fees.* Administrative and certified copy fees will be charged as provided in rule 641—95.6(144).

[ARC 0143D, IAB 3/18/26, effective 7/1/26]

These rules are intended to implement Iowa Code sections 144.12, 144.13, 144.13A, 144.14, 144.15, 144.17, 144.18, 233.2(2) "c" and 600.15.

[Filed ARC 0483C (Notice ARC 0376C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]<sup>1</sup>

[Filed ARC 1075C (Notice ARC 0925C, IAB 8/7/13), IAB 10/2/13, effective 11/6/13]

[Filed ARC 4398C (Notice ARC 4127C, IAB 11/21/18), IAB 4/10/19, effective 5/15/19]

[Filed ARC 0143D (Notice ARC 9947C, IAB 1/7/26), IAB 3/18/26, effective 7/1/26]

<sup>1</sup> January 16, 2013, effective date of the rescission of Chapter 96 and the adoption of new Chapter 96 [ARC 0483C] delayed until adjournment of the 2013 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2013; delay lifted at the meeting held March 8, 2013.



CHAPTER 97  
DEATH REGISTRATION AND DISPOSITION OF DEAD HUMAN BODIES

[Prior to 12/12/12, see [641] 98.2, Chs 99, 101]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

**641—97.1(144) Definitions.** For the purpose of this chapter, the definitions in 641—Chapter 95 apply. [ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.2(144) Forms—property of department.** All forms, certificates and reports pertaining to the registration of death events are the property of the department and will be surrendered to the state registrar upon demand.

**97.2(1)** The forms supplied or approved for reporting death events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

**97.2(2)** No forms, except those furnished or approved by the state registrar, can be used in the reporting of death events or the making of copies of vital records.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.3(144) Standard registration of death—up to one year.** Iowa death records submitted for registration within one year from the date of death will be prepared on the standard Certificate of Death form.

**97.3(1)** The county in which the death occurs or in which the dead human body is found is the county of death.

**97.3(2)** If the death occurs in a moving conveyance, the county in which the dead human body is first removed from the conveyance is the county of death.

**97.3(3)** Each person with a duty related to death certificates shall participate in the electronic death record system. A person with a duty related to a death certificate includes but is not limited to a physician as defined in Iowa Code section 135.1, a physician assistant, an advanced registered nurse practitioner, a funeral director and a county recorder.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.4(144) Standard registration of fetal death—up to one year.** Iowa fetal death records submitted for registration within one year from the date of fetal death shall be prepared on the standard Certificate of Fetal Death form. A fetal death certificate shall not be filed after one year from the date of the event. A fetal death record shall not be entered into the electronic death record system.

**97.4(1)** When a fetal death occurs in an institution, the person in charge of the institution or the person's designee, the physician in attendance at or after delivery, or a medical examiner may assist in preparation of the Certificate of Fetal Death form as directed by the state registrar.

**97.4(2)** In cases in which a fetus has reached the gestation period of 20 completed weeks or more or a weight of 350 grams or more, a Certificate of Fetal Death form shall be:

*a.* Registered and maintained solely at the state registrar's office; and

*b.* Filed within three days after delivery and prior to final disposition of the fetus.

**97.4(3)** The county in which the dead human fetus is found is the county of death. The certificate of fetal death shall be filed within three days after the fetus is found.

**97.4(4)** If the fetal death occurs in a moving conveyance, the county in which the fetus is first removed from the conveyance is the county of death.

**97.4(5)** A blank Certificate of Fetal Death form shall be used only by the state registrar or authorized agents.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.5(144) Preparation of the certificate of death or fetal death.**

**97.5(1)** The funeral director or person other than the funeral director who first assumes custody of a dead human body or fetus for the purposes of disposition shall:

- a.* Obtain the personal data from the next of kin or the best-qualified person or source available;
- b.* Obtain the medical certification of cause of death from the medical certifier; and
- c.* Within three days after the death and prior to final disposition of the dead human body, file the completed certificate of death using the electronic statewide vital records system or, within three days after delivery and prior to disposition of the fetus, file the completed certificate of fetal death with the state registrar.

**97.5(2)** The funeral director or person other than the funeral director who first assumes custody of the dead human body for the purposes of disposition shall prepare the certificate of death using the electronic statewide vital records system.

**97.5(3)** The funeral director or person other than the funeral director who first assumes custody of the dead fetus for the purposes of disposition shall prepare the certificate of fetal death on the official form and paper issued by the state registrar.

**97.5(4)** Unless otherwise directed by the state registrar, a certificate of fetal death will be accepted for filing and registration only when:

- a.* All names are documented in the spaces provided;
- b.* All items are completed as required;
- c.* No alterations or erasures are apparent;
- d.* All signatures are original and genuine and are in dark blue or black ink;
- e.* The certificate presented for registration is on the approved form and official paper prescribed by the state registrar;
- f.* Data are consistent with the facts of death; and
- g.* The form is prepared in conformity with these rules or instructions issued by the state registrar.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.6(144) Medical certification of death.** The funeral director shall submit the completed fact of death portion of the certificate of death to the physician, physician assistant, advanced registered nurse practitioner, or medical examiner for the completion of the medical portion.

**97.6(1)** For a natural cause of death, the physician, physician assistant or advanced registered nurse practitioner in charge of the patient's care for the illness or condition that resulted in death shall complete and sign the medical certification within 72 hours after receipt of the death certificate from the funeral director or individual who initially assumed custody of the body.

**97.6(2)** If there is a non-natural cause of death, the state medical examiner or county medical examiner shall be notified and shall conduct an investigation.

**97.6(3)** If the decedent was an infant or child and the cause of death is not known, a medical examiner shall conduct an investigation and an autopsy shall be performed as necessary to exclude a non-natural cause of death.

**97.6(4)** If upon investigation into a death, the state medical examiner or county medical examiner determines that a preexisting natural disease or condition was the likely cause of death and that the death does not affect the public interest as described in Iowa Code section 331.802(3), the state medical examiner or county medical examiner may elect to defer to the physician, physician assistant or advanced registered nurse practitioner in charge of the patient's preexisting condition the certification of the cause of death.

**97.6(5)** When an investigation is required by the state medical examiner or county medical examiner, the state medical examiner or county medical examiner shall investigate the cause and manner of death and shall complete and sign the medical certification within 72 hours after determination of the cause and manner of death.

**97.6(6)** The medical certifier completing the medical certification of cause of death shall attest to the accuracy of the medical certification either by signature or by an electronic process approved by the state registrar.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.7(144) Medical certification of fetal death.**

**97.7(1)** The medical certification for a fetal death shall be completed by the physician in attendance at or after delivery of the fetus within 72 hours after delivery, except when an investigation is required by a medical examiner.

**97.7(2)** When an investigation by a medical examiner is required, or when a fetal death occurs without medical attendance upon the mother at or after delivery, the medical examiner shall investigate the cause of fetal death and shall complete the medical certification of the fetal death within 72 hours after taking charge of the case.

**97.7(3)** The physician or medical examiner completing the medical certification of fetal death shall attest to the accuracy either by signature or by an electronic process approved by the state registrar.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.8(144) Medical certifier.**

**97.8(1)** Only an Iowa-licensed physician, physician assistant, advanced registered nurse practitioner, or medical examiner shall certify to the cause and manner of death.

**97.8(2)** If the medical certifier is unavailable, an alternate Iowa-licensed medical certifier may complete the cause and manner of death when:

- a. The alternate medical certifier has access to the medical history of the case;
- b. The alternate medical certifier views the deceased at the time of death or after death has occurred; and
- c. The death is from natural causes.

**97.8(3)** In all other cases in which a medical certifier is unavailable, the medical examiner shall prepare the medical certification of cause of death.

**97.8(4)** The medical certifier who signs the medical certification on a certificate of death shall be entitled to view the death record through the electronic statewide vital records system for up to one year from the date of death.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.9(144) Report of autopsy findings.**

**97.9(1)** In cases in which an autopsy is to be performed, it shall not be necessary to defer the entry of the cause of death pending a full report of microscopic or toxicological studies.

**97.9(2)** In any case in which the gross findings of an autopsy are inadequate to determine the cause of death, the medical certifier shall mark the cause of death as “pending investigation” on the certificate and sign the certificate. Immediately after the medical data necessary for determining the cause of death have been made known, the medical certifier shall provide to the state registrar a signed statement that identifies the decedent and the cause of death.

**97.9(3)** In any case in which the autopsy findings significantly change the medical diagnosis of cause of death, the medical certifier shall make a report of the cause of death and submit it to the state registrar as soon as the findings are available. Such report shall be a signed statement that identifies the decedent and the revised cause of death. Such report shall amend the original certificate, and the report shall be maintained in a sealed file.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.10(144) Extension of time.** If the medical certifier is unable to complete the medical certification of cause of death or if the funeral director is unable to obtain the personal information about the deceased within the statutory time period, the funeral director shall file the certificate of death or fetal death with all available information.

**97.10(1)** Such certificate of death or fetal death shall be considered appropriate authority to issue a burial-transit permit.

**97.10(2)** As soon as possible, the person responsible for completing the information missing from the original certificate shall report the missing information to the state registrar.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.11(144) Removal of a dead human body or fetus.**

**97.11(1)** A person assuming custody of a dead human body shall:

*a.* Contact the attending physician, physician assistant, or advanced registered nurse practitioner and receive confirmation the death was from natural causes and that the physician, physician assistant, or advanced registered nurse practitioner will assume responsibility for certifying the cause of death; or

*b.* Contact the medical examiner and receive authorization to remove the dead human body if the case is within the jurisdiction of the medical examiner.

**97.11(2)** A person assuming custody of a dead human fetus shall:

*a.* Contact the attending physician and receive confirmation the death was from natural causes and that the physician will assume responsibility for certifying to the cause of fetal death; or

*b.* Contact the medical examiner and receive authorization to remove the dead human fetus if the case is within the jurisdiction of the medical examiner.

**97.11(3)** A person other than a funeral director, medical examiner, or emergency medical service provider who assumes custody of a dead human body or fetus shall first contact the state registrar for instructions for registering the certificate of death or fetal death. After review and registration of the certificate of death or fetal death, the state registrar will issue a burial-transit permit pursuant to rule 641—97.12(144) prior to removal of the dead human body or fetus from the place of death.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.12(144) Burial-transit permit.** If a person other than a funeral director, medical examiner, or emergency medical service assumes custody of a dead human body or fetus, the person is mandated to secure a burial-transit permit pursuant to rule 641—97.11(144) and Iowa Code section 144.32. Pursuant to Iowa Code chapter 144, an unlicensed employee of the funeral establishment shall be considered an agent of the funeral director.

**97.12(1)** The burial-transit permit will be issued upon a form prescribed by the state registrar and will state:

- a.* The name of the decedent;
- b.* The date and place of death;
- c.* If the death was from a communicable disease;
- d.* The name and location of the cemetery, crematory, or other location where final disposition of the remains is to be made;
- e.* The method of disposition;
- f.* That a certificate of death or fetal death has been filed; and
- g.* That permission is granted to inter, remove or otherwise dispose of the dead human body or fetus.

**97.12(2)** To be valid, a burial-transit permit will not be issued prior to the presentation of the completed and registered certificate of death or certificate of fetal death. The burial-transit permit must be issued by the county medical examiner, a funeral director, or the state registrar. The burial-transit permit shall be obtained prior to the removal of the dead human body or fetus from the place of death and shall accompany the body or fetus to the place of final disposition. The person responsible for obtaining the burial-transit permit shall provide the permit to the person in charge of the place of final disposition.

**97.12(3)** The person in charge of the place of final disposition shall ensure that all of the requirements of this chapter relative to the burial-transit permit have been complied with before the final disposition of the remains. Such person shall retain the burial-transit permit for a period of one year from the date of the final disposition.

**97.12(4)** A burial-transit permit will not be issued to a person other than a licensed funeral director if the death or fetal death was caused by a suspected or known “communicable disease” as defined by Iowa Code section 139A.2.

**97.12(5)** In cases in which a fetus has reached the gestation period of 20 completed weeks or more, or a weight of 350 grams or more, a burial-transit permit will be obtained prior to the final disposition of the fetus.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.13(144) Transportation and disposition of a dead human body or fetus.**

**97.13(1)** A dead human body or fetus shall be transported only after enclosure in a container for transfer that will control odor and prevent leakage of body fluids unless the body or fetus has been embalmed or is being transported by a licensed funeral director, emergency medical service provider or medical examiner. The transport of a dead human body or fetus shall be in a manner that is respectful of the dead, the feelings of relatives, and the sensibilities of the community.

**97.13(2)** When a dead human body or fetus is transported from the state for final disposition, the burial-transit permit shall accompany the body or fetus. When a dead human body or fetus is brought into the state for final disposition, a burial-transit permit under the law of the state in which the death occurred shall accompany the body or fetus.

**97.13(3)** If the final disposition of a dead human body or fetus is cremation at a licensed cremation establishment, scattering of cremated remains shall be subject to the local ordinances of the political subdivision and any and all regulations of the cemetery, if applicable, in which the scattering site is located. However, such local ordinances and cemetery regulations shall not allow the scattering of cremated remains upon public property or upon private property without the property owner's consent. In the absence of an applicable local ordinance or cemetery regulation, the scattering of cremated remains shall not be allowed upon any public property or upon private property without the property owner's consent. Cremation shall be considered final disposition by the department, and no further burial-transit permit shall be needed.

**97.13(4)** If the final disposition of a dead human body or fetus is burial, interment, or entombment, local ordinances of the political subdivision in which the final disposition site is located and any and all regulations of the cemetery, if applicable, shall apply. In the absence of an applicable local ordinance, the depth of the grave at its shallowest point shall be at least three feet from the top of the burial container.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.14(144) Disinterment permits.**

**97.14(1)** A disinterment permit may be issued as follows:

*a.* Disinterment of a dead human body or fetus, without a court order, shall be allowed for the purpose of autopsy or reburial only and then only if supervised by a funeral director.

*b.* Disinterment of cremated remains, without a court order, shall be allowed but only if supervised by a funeral director.

*c.* The state registrar, without a court order, will not issue a permit without the consent of the person authorized to control the decedent's remains under Iowa Code section 144C.5.

*d.* Disinterment of a dead body or fetus for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public and then only if supervised by a funeral director.

*e.* Disinterment of a dead body or fetus for the purpose of autopsy by court order shall be allowed only when reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the person authorized to control the decedent's remains under Iowa Code section 144C.5 and then only if supervised by a funeral director.

*f.* Disinterment of a dead body or fetus for the purpose of cremation may be allowed by court order if supervised by a funeral director. Subsequent to the disinterment, cremation of the body will only be allowed upon a determination by the state or county medical examiner that the death was due to natural causes.

**97.14(2)** A permit for disinterment will be issued by the state registrar according to rules adopted pursuant to Iowa Code chapter 17A or when ordered by the district court of the county in which such body is buried. A person authorized to control final disposition of a decedent's remains under Iowa Code section 144C.5 is an interested person and shall be entitled to notice prior to the obtaining of a court order.

**97.14(3)** Disinterment permits are mandated for any relocation above ground or below ground of remains from the original site of interment. Disinterment permits will be valid for 30 days after the date the permit is signed by the state registrar. Disinterment permits are issued on a form as prescribed by the state registrar with copies to be distributed as follows:

- a.* One copy filed with the sexton or person in charge of the cemetery in which disinterment is to be made;
- b.* One copy to be used during transportation of the remains;
- c.* One copy filed with the sexton or person in charge of the cemetery of reburial; and
- d.* One copy to be returned to the state registrar by the funeral director within ten days after the date of disinterment.

**97.14(4)** When removed from the vault for final burial, a dead human body or fetus, properly embalmed and placed in a receiving vault, shall not be considered a disinterment.

**97.14(5)** The following persons who are competent adults may acquire a disinterment permit without a court order pursuant to Iowa Code sections 144.34 and 144C.5 in the following descending order:

- a.* A designee, or alternate designee, acting pursuant to the decedent's declaration.
- b.* The surviving spouse of the decedent, if not legally separated from the decedent, whose whereabouts are reasonably ascertainable.
- c.* A surviving child of the decedent or, if there is more than one surviving child, a majority of the surviving children whose whereabouts are reasonably ascertainable.
- d.* The surviving parent or parents of the decedent whose whereabouts are reasonably ascertainable.
- e.* A surviving grandchild of the decedent or, if there is more than one surviving grandchild, a majority of the surviving grandchildren whose whereabouts are reasonably ascertainable.
- f.* A surviving sibling of the decedent or, if there is more than one surviving sibling, a majority of the surviving siblings whose whereabouts are reasonably ascertainable.
- g.* A surviving grandparent of the decedent or, if there is more than one surviving grandparent, a majority of the surviving grandparents whose whereabouts are reasonably ascertainable.
- h.* A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent under the rules of inheritance for intestate succession or, if there is more than one such surviving person, a majority of such surviving persons whose whereabouts are reasonably ascertainable.
- i.* A person who knows the identity of the decedent and who signs an affidavit affirming the identity of the decedent and assuming the right to control final disposition of the decedent's remains and the responsibility to pay any expense associated with such final disposition. A person who affirms the identity of the decedent pursuant to this paragraph is liable for all damages that result, directly or indirectly, from that affirmation.
- j.* The county medical examiner, if responsible for the decedent's remains.

**97.14(6)** A funeral director may await a court order before proceeding with disinterment of a decedent's remains if the funeral director is aware of a dispute among:

- a.* Persons who are members of the same class of persons described in subrule 97.14(5); or
- b.* Persons who are authorized under subrule 97.14(5) and the executor named in the decedent's will or personal representative appointed by the court.

**97.14(7)** Due consideration under this rule shall be given to the public health, the preferences of a person authorized to control final disposition of a decedent's remains under Iowa Code section 144C.5, and any court order.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.15(144) Delayed death registration—one year or more after event.** Iowa deaths registered one year or more after the date of death shall be prepared on a Delayed Certificate of Death form developed by the state registrar. The state registrar will require documentary evidence to prove the facts of the death pursuant to Iowa Code section 144.16. The delayed certificate of death will be registered and maintained solely at the state registrar's office.

**97.15(1) Application.** Registration of a delayed certificate of death may be requested by the surviving next of kin of the deceased, or the surviving next of kin's legal representative, in the following descending order:

- a. Executor of the decedent's estate;
- b. Spouse, if not legally separated from the decedent;
- c. Child or legal guardian of the child if the child is under the age of majority;
- d. Parent;
- e. Grandchild or legal guardian of the grandchild if the grandchild is under the age of majority;
- f. Sibling;
- g. Grandparent; or
- h. Funeral director responsible for the disposition of the decedent.

**97.15(2) Facts to be established.**

a. The applicant shall submit a notification of record search certified by the state registrar that will indicate that no prior certificate of death is on file for the person whose delayed death record is to be filed. The notification of record search will be returned to the applicant and will not be exchanged for a certified copy of the delayed certificate of death.

b. The applicant shall substantiate the following with documentary evidence:

- (1) The full legal name and sex of the deceased at the time of the death;
- (2) The date and place of birth;
- (3) The date and time of death;
- (4) The place of death, including the type of place and location where the death occurred;
- (5) The method and location of the final disposition;
- (6) The full name and address of the person responsible for the final disposition;
- (7) Cause and manner of death; and
- (8) The full name, address, and relationship to the decedent of the person applying to register the delayed certificate of death.

**97.15(3) Documentary evidence.**

a. The application to register the delayed certificate of death shall be supported by a minimum of the following:

- (1) An affidavit of the person filing the certificate attesting to the accuracy of the information on the certificate; and
- (2) Three dated documents from independent sources that consistently support the information necessary pursuant to subrule 97.15(2). The documents shall be in the form of the original record, a certified copy thereof, or a notarized statement from the custodian of the record or document on the custodian's letterhead. Personal affidavits are not acceptable.

b. The state registrar may require additional documentary evidence to prove the facts of the death event.

**97.15(4) Abstraction and certification by the state registrar.** The state registrar will abstract on the Delayed Certificate of Death form a description of each document submitted to support the facts of death. This description will include:

- a. The title or description of the document;
- b. The name and address of the custodian who attested to the facts on the original documents in the custodian's custody;
- c. The date of the original filing of the document being abstracted; and

*d.* The information regarding the death for delayed registration.

**97.15(5)** *Acceptance of documentary evidence for registration.* All documents submitted in support of the delayed registration will be returned to the applicant after review, abstraction, and registration. The state registrar will by signature certify that:

- a.* No prior certificate of death is on file for the decedent;
- b.* The evidence has been reviewed and substantiates the facts of death; and
- c.* The abstract of the evidence appearing on the delayed certificate of death accurately reflects the nature and content of the documents.

**97.15(6)** *Denial of registration.* In the absence of adequate substantiating evidence or if the state registrar finds reason to question the validity or adequacy of the evidence necessary to establish a delayed certificate of death, the state registrar will not register the delayed record.

*a.* The written notice of rejection from the state registrar will include:

- (1) The Delayed Certificate of Death form stamped “rejected”; and
- (2) The Delayed Evidence Refusal form.

*b.* Applications for a delayed certificate of death that have not been completed within one year from the date of application may be dismissed at the discretion of the state registrar. Upon dismissal, the state registrar will advise the applicant, and all documents submitted in support of such registration will be returned to the applicant.

**97.15(7)** *Duties of county registrar.* The county registrar may assist the applicant in the completion and notarization of the Delayed Certificate of Death form, excluding the portion restricted for state use only. The county registrar may forward the partially completed Delayed Certificate of Death form, documents and fees to the state registrar for final review and possible acceptance.

**97.15(8)** *Fees.* Administrative and certified copy fees will be charged as provided in rule 641—95.6(144).

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

#### **641—97.16(144) Registration of presumptive death.**

**97.16(1)** A petition shall be filed with the district court in the county where the presumptive death occurred and shall be supported with the completed Affidavit of Personal Knowledge of a Missing Person form. The form shall be completed by the surviving next of kin of the deceased, or the surviving next of kin’s legal representative, in the following descending order:

- a.* Spouse, if not legally separated from the decedent;
- b.* Child or the child’s legal guardian if the child is under the age of majority;
- c.* Parent;
- d.* Grandchild or the grandchild’s legal guardian if the grandchild is under the age of majority;
- e.* Sibling;
- f.* Grandparent;
- g.* Aunt or uncle;
- h.* Niece or nephew; or

*i.* A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent pursuant to Iowa Code sections 633.210 through 633.226.

**97.16(2)** In addition to the Affidavit of Personal Knowledge of a Missing Person form or in the absence of the next of kin, the petition may be supported by the following:

- a.* Affidavit by Employer for an Employee Who Was Working at Time of Disappearance form;
- b.* Affidavit by Government Official for a Government Employee Missing While Involved in Rescue Efforts form; or
- c.* Affidavit by Reliable Informant of Missing Person form.

**97.16(3)** The state registrar will provide the affidavit forms and the certificate of presumptive death. The affidavits and the certificate of presumptive death will be registered and maintained solely at the state registrar’s office.

**97.16(4)** Upon presentation of a certified copy of a court order, the state registrar will file a certificate of presumptive death pursuant to Iowa Code sections 633.517 through 633.520. The order from the district court shall only establish the presumptive death record.

**97.16(5)** In cases under the jurisdiction of the medical examiner, the certified copy of the court order and the completed supporting affidavits listed in subrules 97.16(1) and 97.16(2) shall be delivered to the medical examiner. The medical examiner will complete the certificate of presumptive death and certify to the cause of death.

**97.16(6)** The certificate of presumptive death will be registered and maintained solely at the state registrar's office.

**97.16(7)** The certificate of presumptive death will be recorded based on the date of the court order and shall not be registered as a delayed certificate of death.

**97.16(8)** If the missing person is located and found to be alive, the certificate of presumptive death will be voided and removed from the vital records system of registration. Any issued certified copies shall be surrendered to the state registrar.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.17(144) Release or final disposition of a dead human body or fetus by an institution.**

**97.17(1)** When a dead human body or fetus is released by an institution, the person in charge of the institution shall maintain a record showing:

- a. Name of the deceased;
- b. Date, time, and place of death;
- c. Name, title, and license number of person who pronounced death;
- d. Name and address of the medical certifier;
- e. Name and address of the person to whom the dead human body or fetus is released; and
- f. Date of removal of the dead human body or fetus from the institution.

**97.17(2)** When a dead human body or fetus is released or final disposition is completed by an institution, the person in charge of the institution shall keep a record showing the date, place, and manner of release or final disposition.

**97.17(3)** At the direction of the state registrar, the institution shall provide the information listed in subrule 97.17(1) to the funeral director or person acting as such who assumes custody of the dead human body for purposes of final disposition.

**97.17(4)** Records maintained under this rule will be retained for a period of not less than ten years and will be made available for inspection by the state registrar upon demand.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

**641—97.18(144) Additional record by funeral director.**

**97.18(1)** In addition to filing any certificate or other form required by Iowa Code chapter 144, a funeral director or other person who removes from the place of death or transports or completes final disposition of a dead human body or fetus shall maintain a record that shall identify the following:

- a. Name of the deceased;
- b. Date, time, and place of death;
- c. Name and address of the person to whom the dead human body or fetus is released;
- d. Name of institution or other place of death releasing the dead human body or fetus;
- e. Date of removal from the place of death; and
- f. Place and method of final disposition of the dead human body or fetus.

**97.18(2)** Records maintained under this rule shall be retained for a period of not less than ten years at the funeral establishment responsible for disposition and shall be made available for inspection by the state registrar upon demand.

[ARC 0144D, IAB 3/18/26, effective 7/1/26]

These rules are intended to implement Iowa Code sections 135.11(7), 144.12, 144.16 through 144.18, 144.26 through 144.29, 144.30 through 144.35, 144.47, 144.49 through 144.51, 144C.5, 331.802(3) and 633.517 through 633.520.

[Filed ARC 0483C (Notice ARC 0376C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]<sup>1</sup>  
[Filed ARC 2276C (Notice ARC 2156C, IAB 9/30/15), IAB 12/9/15, effective 1/13/16]  
[Filed ARC 5199C (Notice ARC 5087C, IAB 7/15/20), IAB 10/7/20, effective 11/11/20]  
[Filed ARC 9617C (Notice ARC 9491C, IAB 8/20/25), IAB 10/15/25, effective 12/1/25]  
[Filed ARC 0144D (Notice ARC 9946C, IAB 1/7/26), IAB 3/18/26, effective 7/1/26]

<sup>1</sup> January 16, 2013, effective date of Chapter 97 [ARC 0483C] delayed until the adjournment of the 2013 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2013; delay lifted at the meeting held March 8, 2013.

CHAPTER 98  
MARRIAGE REGISTRATION  
[Prior to 12/12/12, see [641] Ch 96, 99.13]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

**641—98.1(144,595) Definitions.** For the purpose of this chapter, the definitions in 641—Chapter 95 apply.

[ARC 0145D, IAB 3/18/26, effective 7/1/26]

**641—98.2(144,595) Forms—property of department.** All forms, certificates and reports pertaining to the registration of a marriage are the property of the department and shall be surrendered to the state registrar upon demand.

**98.2(1)** The forms supplied or approved for reporting a marriage will be used for official purposes as provided for by statute, rules and instructions of the state registrar.

**98.2(2)** No forms, except those furnished or approved by the state registrar, can be used in the reporting of a marriage or the making of copies of vital records.

[ARC 0145D, IAB 3/18/26, effective 7/1/26]

**641—98.3(144,595) Standard registration of marriage—up to one year.** A marriage event that takes place in Iowa shall be prepared on the standard Certificate of Marriage form and submitted for registration within one year from the date of marriage.

**98.3(1)** Prior to marriage, the applicants shall:

- a. Obtain an Application for a License to Marry in Iowa form from the county registrar;
- b. Submit to the county registrar the completed application and fee pursuant to Iowa Code section 331.605; and
- c. Receive a license to marry in Iowa and a Certificate of Marriage form from the county registrar.

**98.3(2)** Once the marriage is solemnized, the completed certificate of marriage will be filed with the county registrar where the license to marry was issued. The county registrar will then forward the certificate of marriage to the state registrar for filing.

[ARC 0145D, IAB 3/18/26, effective 7/1/26]

**641—98.4(144,595) Application for a license to marry in Iowa.**

**98.4(1)** The Application for a License to Marry in Iowa form is available from any county registrar. The applicants are the parties to be married.

**98.4(2)** The application will not be processed until all items on the form, including the affidavit of a competent and disinterested person, have been completed. The affidavit shall be completed and signed in front of a notary public by an individual of legal age who is acquainted with both applicants who plan to marry. A family member may serve as the competent and disinterested person.

**98.4(3)** Each applicant shall verify the personal information by notarized signature.

**98.4(4)** If an applicant is 16 or 17 years of age, the Certificate of Consent of Underage Party to Marry form shall be completed in accordance with Iowa Code section 595.2(4) and shall be approved by a judge in the county's judicial district before the application for a marriage license may be accepted by the county registrar. Persons 15 years of age or younger may not marry in Iowa.

**98.4(5)** The Application for a License to Marry in Iowa form shall be signed in front of a notary public by both parties to be married and their competent and disinterested person. By signature, the applicants and their competent and disinterested person are attesting that the applicants are:

- a. Eighteen years of age or older or, if either or both are 16 or 17 years of age, that they have provided a signed Certificate of Consent of Underage Party to Marry form;
- b. Competent to enter into a civil contract pursuant to Iowa Code section 595.1A;

c. Not legally married to each other and that neither is legally married to someone else who is living; and

d. Acknowledging that they have provided accurate information on the application form.

**98.4(6)** An applicant is not required to be a U.S. citizen.

**98.4(7)** The Application for a License to Marry in Iowa form shall be submitted to the registrar in the county where the application and marriage certificate are to be filed. The marriage license is valid in any county in Iowa.

**98.4(8)** A fee is due upon the submittal of a completed Application for a License to Marry in Iowa form pursuant to Iowa Code section 331.605(1) "g."

**98.4(9)** At the time of completion of the Application for a License to Marry in Iowa form, the applicants shall indicate the adoption of the legal name to be used after marriage pursuant to Iowa Code section 595.5(1). When the application is filed, the county registrar will enter the legal name on the License to Marry in Iowa form and the original Certificate of Marriage form. Once the application is filed, any changes to the legal name to be adopted shall only be made prior to the marriage by reapplication and repayment of the application fee unless it can be proven that an obvious typographical error was made when the license or the certificate was prepared. An individual shall have only one legal name at any one time pursuant to Iowa Code section 595.5(2).

**98.4(10)** The original certificate of marriage will not later be modified to reflect a court-ordered legal change of name.

[ARC 0145D, IAB 3/18/26, effective 7/1/26]

#### **641—98.5(144,595) License to marry.**

**98.5(1)** Upon receipt and acceptance of a completed Application for a License to Marry in Iowa form, the county registrar may issue the license to marry. When the marriage license valid date is computed, the day of application will be excluded. The license will become valid after the expiration of three calendar days after the date of application to marry.

**98.5(2)** The three-day waiting period may be waived by a district judge in the county's judicial district pursuant to Iowa Code section 595.4. An Application for Waiver of 3-Day Waiting Period form is available from the county registrar. If the waiver is granted, the county registrar will collect the \$5 fee for the waiver pursuant to Iowa Code section 595.4.

**98.5(3)** When a license is issued, the county registrar will provide the applicant the Certificate of Marriage form and provide instructions to ensure the return of a complete and accurate certificate of marriage for filing.

**98.5(4)** If the license to marry in Iowa is not retrieved from the county registrar within six months from the date of application, the application is void.

**98.5(5)** The license to marry is proof that proper application to marry in Iowa has been made. The parties to be married shall present the license to the person who will solemnize the marriage pursuant to Iowa Code section 595.10.

[ARC 0145D, IAB 3/18/26, effective 7/1/26]

#### **641—98.6(144,595) Certificate of marriage.**

**98.6(1)** At the time the license to marry in Iowa is issued, the county registrar will also prepare the original copy of the Certificate of Marriage form. The person solemnizing the marriage shall complete the blank items pertaining to the marriage ceremony and obtain the required signatures.

**98.6(2)** All participants in the marriage ceremony shall be present at the same time and location within the geographic boundaries of the state of Iowa, including the parties to be married, two witnesses and the officiant. Marriage ceremonies shall not occur by proxy, telephone, or other electronic means.

**98.6(3)** After the marriage ceremony:

a. The parties married shall sign, at a minimum, their first and last legal name on the Certificate of Marriage form as indicated on the Application for a License to Marry in Iowa form; and

*b.* Two witnesses present at the ceremony and the officiant shall sign and print their names on the Certificate of Marriage form in the spaces provided. If there is more than one officiant, the signature and name of only one of the officiants shall be on the Certificate of Marriage form.

**98.6(4)** Photocopies of the certificate of marriage are prohibited prior to registration of the certificate with the county registrar. The officiant shall not affix any kind of seal to the certificate of marriage.

**98.6(5)** Within 15 days after the marriage ceremony, the officiant who solemnized the marriage shall file for registration the certificate of marriage with the county registrar that issued the marriage license, except as directed pursuant to Iowa Code section 595.16.

**98.6(6)** Upon registration of the certificate of marriage, the completed Application for a License to Marry in Iowa form becomes part of the record of marriage, including the granted three-day waiver and accepted consent to marriage of a minor, if applicable.

**98.6(7)** Original certificates of marriage registered by the county registrar shall be forwarded to the state registrar weekly or as directed by the state registrar.

[ARC 0145D, IAB 3/18/26, effective 7/1/26]

**641—98.7(144,595) Delayed registration of marriage—one year or more after date of event.**

All Iowa marriages registered one year or more after the date of the marriage shall be prepared on the Delayed Certificate of Marriage form. The state registrar will require documentary evidence to establish the facts of the marriage pursuant to Iowa Code section 144.16 and subrule 98.7(2). The delayed marriage record will be registered and maintained solely at the state registrar's office.

**98.7(1)** *Application.* A completed Delayed Certificate of Marriage form shall be signed before a notary by both parties to the marriage and filed with the state registrar.

**98.7(2)** *Facts to be established.*

*a.* The applicant shall submit a notification of record search certified by the state registrar that shall indicate that no prior certificate of marriage is on file for the persons whose delayed marriage record is to be filed. The notification of record search will be returned to the applicant and will not be exchanged for a certified copy of a delayed certificate of marriage.

*b.* The applicant shall substantiate the following with documentary evidence:

- (1) The county in Iowa where the license to marry was issued;
- (2) The full name of the registrants before and after the marriage;
- (3) The date and place of the marriage in Iowa;
- (4) The full names of the registrants' parents;
- (5) The full names of the two witnesses present at the marriage ceremony; and
- (6) The full name and address of the officiant who performed the marriage ceremony.

**98.7(3)** *Documentary evidence.*

*a.* To be acceptable for purposes of registration by the state registrar, the delayed certificate of marriage must be supported by:

(1) All of the following:

1. A copy of the issued license to marry in Iowa or the completed Application for a License to Marry in Iowa form secured from the county registrar in the county where the license to marry was issued;

2. A notarized affidavit from two witnesses to the wedding ceremony attesting to the facts of the marriage; and

3. A certified copy transcribed from the official records where the marriage was performed, including the date and place of such marriage as attested to by the custodian of such records; or

(2) An affidavit of the person who performed the ceremony documenting that there was a marriage and the date and place of such marriage.

*b.* The state registrar may require additional documentary evidence to prove the facts of the marriage event.

**98.7(4)** *Abstraction and certification by the state registrar.* The state registrar will abstract on the Delayed Certificate of Marriage form a description of each document submitted to support the facts of the marriage event. This abstract will include:

- a. The title, description and signatory from each document presented;
- b. The date of the original filing of the document being abstracted; and
- c. The facts of the marriage event as established pursuant to paragraph 98.7(2) "b."

**98.7(5)** *Acceptance of documentary evidence for registration.* All documents submitted in support of the delayed registration will be returned to the applicant after review, abstraction, and registration. The state registrar will by signature certify that:

- a. No prior certificate of marriage is on file for the registrants;
- b. The evidence has been reviewed and substantiates the facts of the marriage event; and
- c. The abstract of the evidence appearing on the delayed certificate of marriage accurately reflects the nature and content of the document.

**98.7(6)** *Denial of registration.* In the absence of adequate substantiating evidence or if the state registrar finds reason to question the validity or adequacy of the evidence required to establish a delayed certificate of marriage, the state registrar will not register the delayed record.

- a. The written notice of rejection from the state registrar will include:
  - (1) The Delayed Certificate of Marriage form stamped "rejected"; and
  - (2) The Delayed Evidence Refusal form.

b. Applications for delayed certificates that have not been completed within one year from the date of application may be dismissed at the discretion of the state registrar. Upon dismissal, the state registrar will advise the applicant, and all documents submitted in support of such registration will be returned to the applicant. The state registrar will provide information related to the applicant's right of appeal to the district court.

c. If a request to establish a delayed certificate of marriage is rejected under the provisions of Iowa Code section 144.16, a petition may be filed with the district court for an order to establish a delayed certificate of marriage. The petition shall:

- (1) Be made on a form prescribed and furnished by the state registrar.
- (2) Allege that diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Iowa Code section 144.16.
- (3) Allege that the state registrar has refused to establish the delayed certificate of marriage.
- (4) Include such other allegations as may be required.
- (5) Be accompanied by a statement of the registration official made in accordance with Iowa Code section 144.16 and all documentary evidence that was submitted to the registration official in support of such registration.
- (6) Be verified by the petitioner.

**98.7(7)** *Duties of county registrar.* The county registrar may assist the applicant in the completion and notarization of the delayed form, excluding the portion restricted for state use only. The county registrar may forward the partially completed delayed form, documents and fees to the state registrar for final review and possible acceptance.

**98.7(8)** *Fees.* Administrative and certified copy fees shall be charged as provided in rule 641—95.6(144).

[ARC 0145D, IAB 3/18/26, effective 7/1/26]

#### **641—98.8(144,595) Dissolution of marriage or annulment.**

**98.8(1)** The completed Report of Dissolution of Marriage or Annulment form shall be filed with the clerk of district court within one month from the date of the dissolution of marriage or annulment and be prepared on the official paper issued by the state registrar by one of the following means:

- a. Use of a typewriter using a dark blue or black ribbon on the standard form of the report;
- b. Use of a computer program that is preapproved by the state registrar;
- c. Use of an electronic form prescribed by the state registrar; or

*d.* As directed by the state registrar.

**98.8(2)** If an attorney or clerk of district court uses a computer software program to generate a Report of Dissolution of Marriage or Annulment form, the form will be reviewed by the state registrar for approval. The state registrar will deny approval if the form does not conform to the standard Report of Dissolution of Marriage or Annulment form as prescribed.

**98.8(3)** Clerks of district court shall submit reports of dissolution of marriage or annulment to the state registrar weekly or as directed by the state registrar.

[ARC 0145D, IAB 3/18/26, effective 7/1/26]

These rules are intended to implement Iowa Code sections 144.12, 144.16, 331.605(1)“f” and “g,” 595.2(4), 595.4, 595.5, 595.10, and 595.16.

[Filed ARC 0483C (Notice ARC 0376C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]<sup>1</sup>

[Filed ARC 4398C (Notice ARC 4127C, IAB 11/21/18), IAB 4/10/19, effective 5/15/19]

[Filed ARC 0145D (Notice ARC 9945C, IAB 1/7/26), IAB 3/18/26, effective 7/1/26]

<sup>1</sup> January 16, 2013, effective date of the rescission of Chapter 98 and the adoption of new Chapter 98 [ARC 0483C] delayed until adjournment of the 2013 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2013; delay lifted at the meeting held March 8, 2013.



CHAPTER 99  
VITAL RECORDS MODIFICATIONS  
[Prior to 12/12/12, see [641] Chs 100, 102]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

**641—99.1(144) Definitions.** For the purpose of this chapter, the definitions in 641—Chapter 95 apply. [ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.2(144) Forms—property of department.** All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand.

**99.2(1)** The forms supplied or approved for reporting vital events will be used for official purposes as provided for by law, rules and instructions of the state registrar.

**99.2(2)** No forms, except those furnished or approved by the state registrar, can be used in the reporting or modification of vital events or the making of copies of vital records. [ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.3(144) Forms used in the establishment of new records.** The standard certificate form for reporting of live birth, death, fetal death, or marriage in use at the time of the event will be used to prepare a new certificate.

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.4(144) Corrections of minor errors in vital record—within one year of event.**

**99.4(1)** Corrections of minor errors may be made by the state registrar within one year and prior to the first anniversary of the date of the event upon observation, upon request of the data provider, upon query, or upon request from an entitled person. Minor errors include obvious errors, omissions, or transpositions of letters in words of common knowledge.

**99.4(2)** For a certificate of live birth, entitled persons include in the following descending order of priority:

- a. Either parent as shown on the child's certificate of live birth; or
- b. The legal guardian or agency having legal custody of the child.

**99.4(3)** For a certificate of death or fetal death other than the medical certification, entitled persons include in the following descending order of priority:

- a. The surviving spouse as shown on the certificate of death;
- b. A parent as shown on the certificate of death or fetal death;
- c. The informant as shown on the certificate; or
- d. The data provider in the case of a data entry error.

**99.4(4)** For a certificate of marriage, entitled persons include:

- a. The county registrar that issued the license to marry; or
- b. Either of the parties married.

**99.4(5)** Entitled persons requesting a correction shall submit to the state registrar:

a. A notarized statement and a legible copy of current government-issued photo identification or other identification documents acceptable to the state registrar; and

b. Supporting evidence if requested by the state registrar.

(1) The state registrar will determine a priority of best evidence and may, at the state registrar's discretion, require additional documentary evidence to support the requested correction.

(2) The state registrar will evaluate the evidence submitted in support of any correction, and when there is reason to question the validity or adequacy of the evidence, the state registrar may reject the request for correction and will advise the applicant of the reasons for this action.

**99.4(6)** Only the state registrar will make corrections on a vital record. The source of information and the date of correction will be documented on the record but will not appear on the certified copy.

**99.4(7)** There are no administrative fees required to correct a certificate pursuant to this rule.

**99.4(8)** Certificates corrected pursuant to this rule will not be marked “amended.”

**99.4(9)** Any certified copies of the incorrect certificate shall be surrendered to the state registrar for replacement at no cost pursuant to 641—subrule 95.6(3). Additional certified copies of the corrected certificate may be obtained upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to 641—paragraph 95.6(1) “a.”

**99.4(10)** The corrected certificate will be on file at the county registrar’s office pursuant to rule 641—95.7(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.5(144) Amendment of certificate of live birth to add first or middle given name—within one year of event.**

**99.5(1)** The first or middle given name for a child whose birth was reported without a first or middle given name may be amended to add the first or middle given name within one year and prior to the first anniversary of the date of the live birth based upon a completed and notarized Affidavit to Add Child’s Given Name form as provided by the department pursuant to Iowa Code section 144.38. The affidavit shall be submitted to the state registrar by entitled persons in the following descending order of priority:

- a. The single parent or both parents as shown on the child’s certificate of live birth;
- b. The mother, in the case of the death or incapacity of the second parent;
- c. The second parent if listed on the birth certificate, in the case of the death or incapacity of the mother; or
- d. The legal guardian or agency having legal custody of the child.

**99.5(2)** A first or middle given name may be added to the certificate of live birth once in this manner. Thereafter, a first or middle given name shall be changed only upon submission of a court order for a legal change of name from a court of competent jurisdiction pursuant to Iowa Code chapter 674.

**99.5(3)** An administrative fee shall be charged and remitted pursuant to 641—paragraph 95.6(1) “b.”

**99.5(4)** The original certificate will be marked “amended” and will be endorsed on the certified copy. The date of amendment and a summary description of the evidence submitted in support of the amendment will be made a part of the record.

**99.5(5)** The certificate will be on file at the county registrar’s office pursuant to rule 641—95.7(144).

**99.5(6)** Any certified copies of the incorrect certificate shall be surrendered for replacement at no cost. Additional certified copies of the amended certificate may be obtained upon the state registrar’s receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar, and payment of the fee pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.6(144) Amendment of vital record—one year or more after the event.**

**99.6(1)** Amendments of vital records may be made by the state registrar one year or more after the date of the event upon request from an entitled person or by an order to amend the record by a court of competent jurisdiction. Amendments include the correction of obvious errors, omissions, or transposition of letters in words of common knowledge.

**99.6(2)** For a certificate of live birth, entitled persons include in the following descending order of priority:

*a.* The registrant, if the registrant is of legal age, has reached the age of majority or is an emancipated minor;

*b.* Either parent as shown on the child's certificate of live birth; or

*c.* The legal guardian or agency having legal custody of the child.

**99.6(3)** For a certificate of death or fetal death other than the medical certification, entitled persons include:

*a.* The surviving spouse as shown on the certificate of death;

*b.* A parent as shown on the certificate of death or fetal death; or

*c.* The informant as shown on the certificate of death or fetal death.

**99.6(4)** Amendment of a medical certification of cause of death or fetal death shall be requested solely by the medical certifier listed on the certificate of death or fetal death.

**99.6(5)** For a certificate of marriage, entitled persons include either of the parties married.

**99.6(6)** Entitled persons requesting an amendment shall submit the following to the state registrar:

*a.* A completed and notarized amendment request on the applicable form as follows:

(1) Amendment to Certificate of Live Birth form.

(2) Amendment to Certificate of Death or Fetal Death form.

(3) Amendment to Certificate of Marriage form;

*b.* A legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar;

*c.* Certified copies of one or more pieces of documentary evidence supporting the amendment; and

*d.* The required fees pursuant to rule 641—95.6(144).

**99.6(7)** The documentary evidence shall have been established at least five years prior to the date of the application or within seven years of the date of the event.

*a.* The state registrar will determine a priority of best evidence and may, at the state registrar's discretion, require additional documentary evidence to support the requested amendment.

*b.* The state registrar will evaluate the evidence submitted in support of any amendment, and when there is reason to question the validity or adequacy of the evidence, the state registrar may reject the amendment and will advise the applicant of the reasons for this action and provide information related to the applicant's right of appeal to the district court pursuant to Iowa Code section 144.38.

*c.* If a request to amend a certificate of birth is rejected under the provisions of Iowa Code section 144.38, a petition may be filed with the district court for an order amending a vital record. The petition shall:

(1) Be made on a form prescribed and furnished by the state registrar.

(2) Allege that diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Iowa Code section 144.38.

(3) Allege the state registrar has refused to amend the certificate of vital record.

(4) Include such other allegations as may be required.

(5) Be accompanied by a statement of the registration official made in accordance with Iowa Code section 144.38 and all documentary evidence that was submitted to the registration official in support of such registration.

(6) Be verified by the petitioner.

**99.6(8)** An administrative fee will be charged and remitted pursuant to rule 641—95.6(144).

**99.6(9)** The original certificate will be clearly marked "amended," and the date of the amendment will be endorsed on the certified copy. A summary description of the evidence submitted in support of the amendment will be made a part of the record.

**99.6(10)** The amended certificate will be on file at the county registrar's office pursuant to rule 641—95.7(144).

**99.6(11)** Any certified copies of the incorrect certificate shall be surrendered for replacement at no cost. Additional certified copies of the amended certificate may be obtained upon the state

registrar's receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.7(144) Method of amendment of vital records.**

**99.7(1)** Records not on the electronic vital records system will be amended by drawing a single line through the incorrect item and inserting the correct or missing data immediately above or to the side of the item or by completing a blank item. In all cases in which a line must be drawn through an original entry, the line must not obliterate the original entry. The following will be endorsed on or made a part of the record:

- a. The word “amended” and the date of the amendment action; and
- b. A summary of the evidence submitted in support of the amendment.

**99.7(2)** Records on the electronic vital records system will be amended by correction of the incorrect item. The following will be endorsed on or made a part of the record:

- a. The word “amended” and the date of the amendment action;
- b. A statement identifying the amendment; and
- c. A summary of the evidence submitted in support of the amendment.

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.8(144) Correction or amendment of same item more than once.** After a correction or an amendment is made on a vital record, that entry will not be corrected again unless:

**99.8(1)** It can be proven that an error was made in processing the first correction or amendment; or

**99.8(2)** A court order is received from a court of competent jurisdiction to correct or amend the item. If a court order for a correction or an amendment is received, an administrative fee will be charged and remitted pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.9(144) Other amendments to certificate of live birth.**

**99.9(1)** The parent's name or both parents' names as reported by the parent or parents on the birth worksheet used to establish the certificate of live birth shall only be amended if the amendment is supported by a certified copy of a vital record or amended by an order from a court of competent jurisdiction.

**99.9(2)** Certificates of live birth of deceased persons shall only be amended if the amendment is supported by a certified copy of a vital record or amended by an order from a court of competent jurisdiction.

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.10(144) Correction or substitution of medical certification of cause of death.**

**99.10(1)** Corrections or substitutions of the medical certification of cause of death shall be requested solely by the medical certifier listed on the certificate of death or fetal death.

a. In the event the medical certifier listed on the certificate of death or fetal death is no longer licensed to practice in the state of Iowa, an authorized medical certifier may request correction or substitution of the medical certification of cause of death.

b. For the purposes of this rule, “authorized medical certifier” means an Iowa-licensed physician, physician assistant, advanced registered nurse practitioner, or medical examiner who has knowledge of and access to the medical records associated with the decedent's care at the time of death.

**99.10(2)** The medical certifier may correct the medical certification of cause of death within 12 months of the date of death or fetal death. The request shall be submitted to the state registrar

with supporting evidence on official letterhead signed and dated by the medical certifier listed on the certificate of death or fetal death or by an authorized medical certifier.

**99.10(3)** A correction to the medical certification of the cause of death and substitution of a death certificate requested solely by the medical certifier or by an authorized medical certifier after 12 months from the date of death or fetal death shall be made by order of a court of competent jurisdiction and considered an amendment. However, the medical certification of cause of death may be amended at any time upon submission of a report of autopsy or toxicological findings or additional findings by the county or state medical examiner.

**99.10(4)** No fee will be charged for correction, substitution or amendment made pursuant to this rule.

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.11(144) Correction or amendment to a certificate of marriage.**

**99.11(1)** The request to correct a certificate of marriage during the first year may be made by the county registrar who issued the license to marry. The written request shall be submitted to the state registrar with supporting evidence.

**99.11(2)** The request to correct or amend a certificate of marriage may be made by either of the parties married. The written request shall be submitted to the state registrar with supporting evidence.

**99.11(3)** An order from a court of competent jurisdiction is required to correct or amend a legal name after marriage.

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.12(144) Correction to a report of dissolution of marriage or annulment.**

**99.12(1)** A written notice to correct a report of dissolution of marriage or annulment may be submitted to the state registrar by the clerk of district court maintaining the record from which the original report was prepared. The notice shall state in what manner the report shall be corrected.

**99.12(2)** Those items appearing on the Report of Dissolution of Marriage or Annulment form that are not a part of the divorce decree may be corrected either by query or upon application of either party to the dissolution of marriage or annulment or the legal representative.

**99.12(3)** Corrections to the report of dissolution of marriage or annulment will be accepted only within the first year from the date of dissolution of marriage or annulment.

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.13(144) Minimum information required to establish a new certificate of live birth.**

**99.13(1)** A request to establish a new certificate of live birth shall be submitted to the state registrar and include, at a minimum, the following information:

- a. The full name of the child as stated on the original certificate of live birth;
- b. The full name of the child to be listed on the new certificate of live birth;
- c. The date and place of birth as stated on the original certificate of live birth;
- d. The full name of the parent or parents as listed on the original certificate of live birth; and
- e. The full name, place of birth, date of birth, and complete residential address of the parent or parents to be listed on the new certificate of live birth.

**99.13(2)** The new certificate of live birth will contain the same state file number and registration file date as were assigned to the original certificate of live birth.

**99.13(3)** The clerk of the court shall, within 30 days of issuance, deliver one certified copy of any adoption decree, any contact preference form or medical history form associated with the certified copy of any adoption decree for the purposes of Iowa Code section 144.24A, and the fee pursuant to rule 641—95.6(144) to the state registrar of vital statistics to prepare a certificate of birth as prescribed in Iowa Code section 144.19.

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.14(144) Establishment of new certificate of live birth following adoption.**

**99.14(1)** Upon receipt of a completed Certificate of Adoption Report form or a certified copy of the decree of adoption from a court of competent jurisdiction and the information required pursuant to rule 641—99.13(144), the state registrar will establish a new certificate of live birth for a person who was born in Iowa and has been adopted.

**99.14(2)** The new certificate of live birth will not be marked “amended.”

**99.14(3)** When a new certificate of live birth is established, the actual date and place of birth will be shown on the certificate.

**99.14(4)** The county registrar and state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related adoption information in a sealed file, and the file shall not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24 or as provided in Iowa Code section 144.24A.

**99.14(5)** In accordance with Iowa Code section 144.23A, an adopted person may apply to the state registrar to have the adopted person’s original certificate of birth prior to adoption reestablished to include the name of an omitted biological parent.

**99.14(6)** The new certificate of live birth after adoption shall not be on file at the county registrar’s office.

**99.14(7)** The state registrar will reveal the date of the adoption and the name and address of the court that issued the adoption decree upon the receipt of a completed, notarized Revelation of County of Adoption form from an adult adopted person, a biological parent, an adoptive parent, or the legal representative of the adult adopted person, the biological parent, or the adoptive parent pursuant to Iowa Code section 144.24.

**99.14(8)** Administrative and certified copy fees will be charged and remitted pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.15(144) Establishment of new certificate of live birth following a birth by gestational surrogate arrangement.**

**99.15(1)** All live births shall be considered the product of the woman who delivered the live infant and shall be filed in the standard manner, with that woman named as the birth mother on the original record submitted for registration.

**99.15(2)** For the purpose of filing for registration the record of a live birth by a gestational surrogate, the institution’s or non-institution’s person responsible for filing the certificate of live birth shall:

- a. Notify the state registrar of the birth of a child pursuant to a gestational surrogate arrangement;
- b. Follow directives for completion of the official birth worksheet;
- c. Submit the birth record for registration based on the birth mother’s information; and
- d. Notify the state registrar when the birth record has been submitted for registration.

**99.15(3)** In addition, the institution’s or non-institution’s person responsible for filing the record for registration shall:

- a. Provide the prenatal and medical data on the medical portion of the birth worksheet pertinent to the pregnancy and the birth mother’s prenatal care;
- b. Waive all birth registration and copy fees as collected on behalf of the state registrar;
- c. Indicate on the registration that the birth mother does not have custody of the infant;
- d. Assist in advising the intended parents of the procedures required to file the original birth record for registration and to reestablish the record to reflect the intended parents’ information; and
- e. Advise the birth mother to complete the mother’s portion of the birth worksheet and to mark “no” for the social security card for the child.

**99.15(4)** Two intended parents—both intended parents are biological parents to the child. If the intended mother is the egg donor and the intended father is the sperm donor to the child being carried by the gestational surrogate:

*a.* After the birth of the child, the intended parents shall petition a court of competent jurisdiction to establish legal paternity and maternity of the child.

*b.* The court shall enter an order requiring the state registrar to reestablish the certificate of live birth naming the intended mother and father as the legal mother and father and requiring the state registrar to seal the original birth certificate and all related documentation.

*c.* The court order shall:

- (1) Identify the child's full name as stated on the original certificate of live birth;
- (2) State the child's date of birth and place of birth;
- (3) Identify the full names of the birth mother and her legal spouse, if married;
- (4) Disestablish the birth mother and her legal spouse, if married, as the legal parents of the child; and
- (5) Identify the intended parents' full names prior to any marriage, full current legal names, dates of birth, birthplaces, social security numbers, and full current residential address, including county.

*d.* The intended parents or their legal representative shall:

- (1) Submit a certified copy of the court order to the state registrar;
- (2) Remit administrative and certified copy fees pursuant to rule 641—95.6(144); and
- (3) Include a notarized written request with mailing instructions for the certified copy of the certificate of live birth.

**99.15(5)** Two intended parents—intended mother is biological mother to the child; her legal spouse is not a biological parent. If the intended mother is the egg donor but her legal spouse is not the sperm donor, the intended mother shall petition a court of competent jurisdiction after the birth of the child to establish legal maternity.

*a.* The court shall enter an order requiring the state registrar to reestablish the certificate of live birth naming the intended mother as the legal mother and shall require the state registrar to seal the original certificate of live birth and all related documents.

*b.* The court order establishing legal maternity shall:

- (1) Identify the child's full name as stated on the original certificate of live birth;
- (2) State the child's date of birth and place of birth;
- (3) Identify the full names of the birth mother and her legal spouse, if married;
- (4) Disestablish the birth mother and her legal spouse, if married, as the legal parents of the child; and
- (5) Identify the intended mother's full name prior to any marriage, full current name, date of birth, birthplace, social security number, and full current residential address, including county.

*c.* The intended mother or her legal representative shall:

- (1) Submit a certified copy of the court order to the state registrar;
- (2) Remit administrative and certified copy fees pursuant to rule 641—95.6(144); and
- (3) Include a notarized written request with mailing instructions for the certified copy of the certificate of live birth.

**99.15(6)** Two intended parents—intended father is biological father to the child; his legal spouse is not a biological parent.

*a.* If the surrogate birth mother is unmarried and the intended father is the sperm donor, the unmarried surrogate birth mother and the intended father may complete a Voluntary Paternity Affidavit form after the child's birth to place the intended father's name and information on the certificate of live birth.

*b.* If the surrogate birth mother is married and the intended father is the sperm donor, the married surrogate birth mother and the intended father shall by court order disestablish the surrogate birth mother's legal spouse as the legal parent and may complete a Voluntary Paternity Affidavit form pursuant to Iowa Code section 144.13.

*c.* The court order that disestablishes the married surrogate birth mother's legal spouse and the completed Voluntary Paternity Affidavit form shall be submitted to the state registrar.

*d.* If a certified copy of the certificate of live birth is requested, a notarized written request shall also be submitted to the state registrar with the certified copy fee and mailing instructions.

*e.* There is no administrative fee to process the completed Voluntary Paternity Affidavit form.

*f.* Adoption laws shall be followed to reestablish the certificate of live birth by establishing the nonbiological parent on the certificate of live birth pursuant to Iowa Code chapter 600.

**99.15(7)** Two intended parents—neither biological parent to the child. If the intended parents are neither the egg donor nor sperm donor, adoption laws shall be followed to reestablish the certificate of live birth by disestablishing the birth mother and her legal spouse, if any, and establishing the nonbiological parents on the certificate of live birth pursuant to Iowa Code chapter 600.

**99.15(8)** One female intended parent—biological mother to the child. If the intended mother is the egg donor to the child being carried by the gestational surrogate:

*a.* After the birth of the child, the intended mother shall petition a court of competent jurisdiction to establish legal maternity of the child.

*b.* The court shall enter an order requiring the state registrar to reestablish the certificate of live birth naming the intended mother as the legal mother and requiring the state registrar to seal the original certificate of live birth and all related documentation.

*c.* The court order shall:

(1) Identify the child's full name as stated on the original certificate of live birth;

(2) State the child's date of birth and place of birth;

(3) Identify the full names of the birth mother and her legal spouse, if married;

(4) Disestablish the birth mother and her legal spouse, if married, as the legal parents of the child; and

(5) Identify the intended parent's full name prior to any marriage, full current legal name, date of birth, birthplace, social security number, and full current residential address, including county.

*d.* The intended parent or her legal representative shall:

(1) Submit a certified copy of the court order to the state registrar;

(2) Remit administrative and certified copy fees pursuant to rule 641—95.6(144); and

(3) Include a notarized written request with mailing instructions for the certified copy of the certificate of live birth.

**99.15(9)** One male intended parent—biological father to the child.

*a.* If the surrogate birth mother is unmarried and the intended father is the sperm donor, the unmarried surrogate birth mother and the intended father may complete a Voluntary Paternity Affidavit form after the child's birth to place the intended father's name and information on the certificate of live birth.

*b.* If the surrogate birth mother is married and the intended father is the sperm donor, the married surrogate birth mother and the intended father shall by court order disestablish the surrogate birth mother's legal spouse as the legal parent and may complete a Voluntary Paternity Affidavit form pursuant to Iowa Code section 144.13.

*c.* The court order that disestablishes the married surrogate birth mother's legal spouse and the completed Voluntary Paternity Affidavit form shall be submitted to the state registrar.

*d.* If a certified copy of the certificate of live birth is requested, a notarized written request shall also be submitted to the state registrar with the certified copy fee and mailing instructions.

*e.* There is no administrative fee to process the completed Voluntary Paternity Affidavit form.

*f.* If the intended father has been established as the legal father pursuant to paragraph 99.15(9) "a" or "b" and the surrogate birth mother and the intended father wish to remove the surrogate birth mother as the legal mother from the certificate of live birth, the parties shall seek a court order. The court order disestablishing legal maternity shall:

(1) Identify the child's full name as stated on the original certificate of live birth;

(2) State the child's date of birth and place of birth;

- (3) Identify the full name of the birth mother; and
  - (4) Disestablish the birth mother as the legal parent of the child.
- g. The intended parent or his legal representative shall:
- (1) Submit a certified copy of the court order to the state registrar;
  - (2) Remit administrative and certified copy fees pursuant to rule 641—95.6(144); and
  - (3) Include a notarized written request with mailing instructions for the certified copy of the certificate of live birth.

**99.15(10)** One intended parent—not biological parent to the child. If the intended parent is neither the egg donor nor sperm donor, adoption laws shall be followed to reestablish the certificate of live birth by disestablishing the birth mother and her legal spouse, if any, and establishing the nonbiological parent on the certificate of live birth pursuant to Iowa Code chapter 600.

**99.15(11)** The state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related documents in a sealed file, and the file shall not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

**99.15(12)** The new certificate of live birth will not be marked “amended.”

**99.15(13)** The new certificate of live birth will not be on file at the county registrar’s office pursuant to rule 641—95.7(144).

**99.15(14)** A certified copy fee and an administrative fee to replace a parent’s information on a certificate of live birth will be charged and remitted pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

#### **641—99.16(144) Certificate of live birth following voluntary paternity affidavit.**

**99.16(1)** If the birth mother was legally married at the time of conception or birth or at any time during the period between conception and birth, the name of her spouse shall be entered on the certificate of live birth as a parent pursuant to Iowa Code section 144.13.

**99.16(2)** If the birth mother was not legally married at the time of conception or birth or at any time during the period between conception and birth, the birth mother and the alleged biological father may:

- a. Complete a Voluntary Paternity Affidavit form after the birth of the child; and
- b. Submit the completed form to the state registrar.

**99.16(3)** If the birth mother was legally married at the time of conception or birth or at any time during the period between conception and birth, and her legal spouse is not the biological father, the birth mother and the alleged biological father may:

- a. Complete a Voluntary Paternity Affidavit form after the birth of the child;
- b. Obtain a court order that disestablishes her legal spouse as a parent; and
- c. Submit the completed form and a certified copy of the court order to the state registrar.

**99.16(4)** If the birth mother and the biological father of an Iowa-born child subsequently marry each other after a voluntary affidavit of paternity has been processed, the parents may submit a second completed Voluntary Paternity Affidavit form with a certified copy of the parents’ certificate of marriage to establish a new certificate changing the child’s last name to that of the father.

**99.16(5)** If another man is shown as the father on the original certificate of live birth, a new certificate of live birth may be established only when a determination of paternity is made by a court of competent jurisdiction.

**99.16(6)** There is no age limitation and no fee for filing a completed Voluntary Paternity Affidavit form.

**99.16(7)** The county registrar and the state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related documents in a sealed file, and the file will not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

**99.16(8)** A copy of the completed and processed Voluntary Paternity Affidavit form may be acquired by either parent or either parent's legal representative upon notarized application and payment of the fee pursuant to rule 641—95.6(144). The notarized application shall include, at a minimum, the following items:

- a. The child's full name;
- b. The child's date and place of birth;
- c. The mother's full name prior to any marriage; and
- d. The full name and mailing address of the applicant.

**99.16(9)** The new certificate of live birth will not be marked "amended."

**99.16(10)** The new certificate of live birth will be on file at the county registrar's office pursuant to rule 641—95.7(144).

**99.16(11)** The birth mother and the biological father shall surrender any incorrect certified copies of the child's certificate of live birth for replacement at no cost. Additional certified copies of the new certificate of live birth shall be acquired upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.17(144) Certificate of live birth following court determination of paternity.**

**99.17(1)** If the birth mother was married at the time of conception or birth or at any time during the period between conception and birth, the name of her spouse will be entered on the certificate of live birth as a parent unless paternity has been determined otherwise by a court of competent jurisdiction pursuant to Iowa Code section 144.13.

**99.17(2)** Upon receipt of a certified copy of the court determination of paternity order from a court of competent jurisdiction or the completed Abstract from Court Determination of Paternity form, the state registrar will establish a new certificate of live birth to be filed in place of the original certificate of live birth.

**99.17(3)** The new certificate of live birth will list the name of the child as stated in the court determination of paternity order.

**99.17(4)** Child support services may not change the child's name.

**99.17(5)** After a court determination of paternity has been completed, the parents as listed on the court order may submit a completed Voluntary Paternity Affidavit form to change the child's last name to that of the established father.

**99.17(6)** The county registrar and the state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related documents in a sealed file, and the file will not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

**99.17(7)** The new certificate of live birth will not be marked "amended."

**99.17(8)** The new certificate of live birth will be on file at the county registrar's office pursuant to rule 641—95.7(144).

**99.17(9)** There are no administrative fees required to establish a new certificate of live birth following a court determination of paternity.

**99.17(10)** Any incorrect certified copy of the child's certificate of live birth shall be surrendered for replacement at no cost. Additional certified copies of the new certificate of live birth shall be acquired upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.18(144) Certificate of live birth following rescission of paternity affidavit or disestablishment of paternity.**

**99.18(1)** An application to rescind a voluntary paternity affidavit shall be made on the Rescission of Paternity Affidavit form by either the birth mother or the putative father who originally completed and signed the Voluntary Paternity Affidavit form pursuant to Iowa Code section 252A.3A.

*a.* The completed Rescission of Paternity Affidavit form shall be notarized and received by the state registrar within the earlier of either 60 days from the latest notarized parental signature on the original Voluntary Paternity Affidavit form or entry of a court order regarding the child by child support services pursuant to Iowa Code section 252A.3A.

*b.* Acceptance of the completed Rescission of Paternity Affidavit form shall remove the alleged biological father's information from the certificate of live birth and rescind the voluntary paternity affidavit.

*c.* The child's last name shall revert to the last name as it was listed on the certificate of live birth prior to the voluntary paternity affidavit.

*d.* The state registrar will send a written notice of the rescission to the last-known address of the signatory of the voluntary paternity affidavit who did not sign the Rescission of Paternity Affidavit form.

*e.* After the completed Rescission of Paternity Affidavit form has been accepted and processed, the state registrar will not accept any subsequent Voluntary Paternity Affidavit forms signed by the same mother and putative father relating to the same child pursuant to Iowa Code section 252A.3A.

**99.18(2)** Upon receipt of a court-ordered disestablishment of paternity, which shall include court-ordered language directing the state registrar to add or remove the father from the certificate of live birth, the father's information will be removed from the certificate of live birth. The child's last name shall revert to the last name as it was listed on the certificate of live birth prior to the establishment of paternity.

**99.18(3)** An administrative fee will be charged and remitted pursuant to rule 641—95.6(144).

**99.18(4)** The county registrar and the state registrar will seal the original certificate of live birth. The state registrar will place the rescission of paternity information in the same sealed file as the original certificate of live birth and all previous related documents. The file will not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

**99.18(5)** The new certificate of live birth will not be marked "amended."

**99.18(6)** The new certificate of live birth will be on file at the county registrar's office pursuant to rule 641—95.7(144).

**99.18(7)** Any incorrect certified copies of the child's certificate of live birth shall be surrendered for replacement at no cost. Additional certified copies of the new certificate of live birth shall be acquired upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

**641—99.19(144) Certificate of live birth following court-ordered change of name.**

**99.19(1)** For a court-ordered name change, a certified copy of an order from a court of competent jurisdiction pursuant to Iowa Code chapter 674 or an Abstract to Change Registrant's Legal Name form completed by the clerk of district court changing the name shall be submitted to the state registrar.

**99.19(2)** Only the person named on the record, parent or parents if the registrant is a minor child, legal guardian, or legal representative may request a court-ordered change of name.

**99.19(3)** The court order or abstract shall contain:

- a.* The registrant's full name as it appears on the original certificate of live birth;
- b.* The registrant's date and place of birth;

c. The mother's full maiden name and father's full name as it appears on the original certificate of live birth;

d. The registrant's full new name; and

e. The certification of the clerk of district court.

**99.19(4)** The certified copy of a certificate of live birth after a legal change of name will be clearly marked "legal change of name" and note the following:

a. The registrant's full name as shown on the original certificate;

b. Any previous legal name changes;

c. The registrant's full new name according to the court order;

d. The date the legal change of name order was granted; and

e. The name of the court that ordered the name change pursuant to Iowa Code chapter 674.

**99.19(5)** A parent cannot be added to the certificate of live birth with a court-ordered change of name.

**99.19(6)** The county registrar and the state registrar will seal the original certificate of live birth. The state registrar will place the original certificate of live birth and all related documents in a sealed file, and the file will not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24.

**99.19(7)** After the court-ordered change of name, the certificate of live birth will not be on file at the county registrar's office pursuant to rule 641—95.7(144).

**99.19(8)** An administrative fee will be charged and remitted pursuant to rule 641—95.6(144).

**99.19(9)** Any incorrect certified copies of the certificate of live birth shall be surrendered for replacement at no cost. Additional certified copies of the new certificate shall be acquired upon receipt of a notarized application, legible copy of a current government-issued photo identification or other identification documents acceptable to the state registrar and payment of the fee pursuant to rule 641—95.6(144).

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

#### **641—99.20(144) Disestablishment of parentage.**

**99.20(1)** To disestablish parentage of a mother, father, or both on a certificate of live birth, the court will submit an abstract from court determination to disestablish parentage to the state registrar.

**99.20(2)** Upon receipt of a court-ordered abstract from court determination to disestablish parentage, which shall include court-ordered language directing the state registrar to remove the parent or parents from the certificate of live birth, the parent's or parents' information will be removed from the certificate of live birth.

**99.20(3)** The state registrar will prepare a new certificate of live birth to be filed in place of the original birth certificate.

**99.20(4)** The new birth certificate will bear the name of the child after the judgment and disestablish the parent's or parents' information as determined by the court.

[ARC 0146D, IAB 3/18/26, effective 7/1/26]

These rules are intended to implement Iowa Code sections 144.19 through 144.21, 144.23, 144.24, 144.25A, 144.38 through 144.41, 252A.3A, 600.15, 600.16A, 674.2, 674.7 and 674.9.

[Filed ARC 0483C (Notice ARC 0376C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]<sup>1</sup>

[Filed ARC 1075C (Notice ARC 0925C, IAB 8/7/13), IAB 10/2/13, effective 11/6/13]

[Filed ARC 4398C (Notice ARC 4127C, IAB 11/21/18), IAB 4/10/19, effective 5/15/19]

[Filed ARC 6108C (Notice ARC 5926C, IAB 9/22/21), IAB 12/29/21, effective 2/2/22]

[Filed ARC 8043C (Notice ARC 7507C, IAB 1/24/24), IAB 5/29/24, effective 7/3/24]

[Filed ARC 9175C (Notice ARC 8563C, IAB 12/25/24), IAB 4/30/25, effective 7/1/25]

[Filed ARC 9617C (Notice ARC 9491C, IAB 8/20/25), IAB 10/15/25, effective 12/1/25]

[Filed ARC 0146D (Notice ARC 9944C, IAB 1/7/26), IAB 3/18/26, effective 7/1/26]

- <sup>1</sup> January 16, 2013, effective date of the rescission of Chapter 99 and the adoption of new Chapter 99 [ARC 0483C] delayed until adjournment of the 2013 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2013; delay lifted at the meeting held March 8, 2013.



CHAPTER 100  
VITAL RECORDS REGISTRIES AND REPORTS

[Prior to 12/12/12, see [641] Chs 105 to 107]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

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

“*Abortion*” means the same as defined in Iowa Code section 146B.1.

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

“*Aggregate form*” means the same as defined in Iowa Code section 144.29A.

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

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

“*Court*” means the juvenile court when used in reference to the declaration of paternity registry.

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

“*Fertilization*” means the same as defined in Iowa Code section 146B.1.

“*Health care provider*” means the same as defined in Iowa Code section 144.29A.

“*Inducing a termination of pregnancy*” means the same as defined in Iowa Code section 144.29A.

“Inducing a termination of pregnancy” includes abortion.

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

“*Medical emergency*” means the same as defined in Iowa Code section 146B.1.

“*Medical facility*” means the same as defined in Iowa Code section 146B.1.

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

“*Physician*” means a person licensed under Iowa Code chapter 148.

“*Postfertilization age*” means the same as defined in Iowa Code section 146B.1.

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

“*Registry*” means the declaration of paternity registry or the mutual consent voluntary adoption registry.

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

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

“*Unborn child*” means the same as defined in Iowa Code section 146B.1.

[ARC 0147D, IAB 3/18/26, effective 7/1/26]

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

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

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

[ARC 0147D, IAB 3/18/26, effective 7/1/26]

**641—100.3(144) Declaration of paternity registry established.** Pursuant to Iowa Code section 144.12A, there is established in the department a registry for the declaration of paternity of a putative

father who wishes to register prior to the birth of a child and no later than the date of the filing of the petition for termination of parental rights.

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

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

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

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

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

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

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

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

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

*a.* The biological mother of the child;

*b.* A court;

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

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

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

*a.* The biological mother of the child;

*b.* A court;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[ARC 0147D, IAB 3/18/26, effective 7/1/26]

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

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

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

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

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

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

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

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

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

[ARC 0147D, IAB 3/18/26, effective 7/1/26]

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

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

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

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

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

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

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

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

*d.* The method used for the abortion.

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

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

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

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

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

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

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

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

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

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

**100.5(10)** Reporting penalties.

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

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

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

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

[ARC 0147D, IAB 3/18/26, effective 7/1/26]

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

[Filed ARC 0483C (Notice ARC 0376C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]<sup>1</sup>

[Filed ARC 3394C (Notice ARC 3211C, IAB 7/19/17), IAB 10/11/17, effective 11/15/17]

[Filed ARC 0147D (Notice ARC 9943C, IAB 1/7/26), IAB 3/18/26, effective 7/1/26]

- <sup>1</sup> January 16, 2013, effective date of the rescission of Chapter 100 and the adoption of new Chapter 100 [ARC 0483C] delayed until adjournment of the 2013 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2013; delay lifted at the meeting held March 8, 2013.



CHAPTER 126  
 STATE MEDICAL EXAMINER  
 [Prior to 4/20/88, see Medical Examiner, State[566] Ch 1]  
 [Prior to 6/30/99, see Public Safety Department[661] Ch 21]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

**641—126.1(144,331,691) Definitions.**

“Autopsy” means the external and internal postmortem examination of a deceased person.

“County of appointment” means the county that requests a medical examiner to conduct an investigation, perform or order an autopsy, or prepare a report or reports in a death investigation case. The request may be authorized by the county attorney or the county medical examiner. The county of appointment shall be the county in which the death occurred.

[ARC 0148D, IAB 3/18/26, effective 7/1/26]

**641—126.2(691) Fees for autopsies and related services and reimbursement for related expenses.**

Autopsies performed by the state medical examiner are provided on a fee-for-service basis. Costs of autopsies and related services and expenses are the responsibility of the county of appointment. The county of residence of the deceased shall reimburse the county of appointment.

**126.2(1) Fee schedule.** The following fees apply as specified in this subrule.

a. The following fees apply to autopsies conducted by the state medical examiner:

Autopsy. . . . .	\$2,100*
	*Pursuant to 126.2(1)“a”(2), this amount will increase annually by 2 percent beginning July 1, 2027.
Copies of reports. . . . .	\$20

(1) EXCEPTIONS: A copy of the autopsy report is automatically sent to the county medical examiner and to the county attorney without fee. A single copy of an autopsy report may be provided to the immediate next of kin of the deceased without fee. Copies of autopsy reports may be provided to public officials and physicians of record for official purposes without fee.

(2) Beginning with the fiscal year starting July 1, 2027, the amount of the autopsy fee will increase annually by 2 percent each July 1.

b. The following fee is for time spent reviewing case materials, preparing for deposition or court, testifying in deposition or court, and travel time.

State, deputy, or associate medical examiner(s) time for all court cases	\$450 per hour with a one-hour minimum
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c. A cremation permit fee of \$75 will be assessed for each permit investigated and authorized by the state medical examiner’s office.

**126.2(2) Expense reimbursement.** Other laboratory services associated with an autopsy, which include but are not limited to photography, toxicology, radiology, microbiology, and morgue fees, will be billed by the department to the county of appointment. Moneys collected pursuant to this subrule will be paid by the department to the laboratory or other entity providing the service.

**126.2(3) State medical examiner acting as county medical examiner.** When the state medical examiner acts in the capacity of county medical examiner, the state medical examiner receives from the county of appointment a fee of \$100 per hour, with a one-hour minimum, for each report prepared plus the state medical examiner’s actual expenses. Counties should not depend on the state medical examiner for full-time coverage.

[ARC 0148D, IAB 3/18/26, effective 7/1/26]

**641—126.3(691) Fees for tissue recovery.** When the tissue recovery room located within the office of the state medical examiner is utilized by an authorized tissue recovery agency, a fee of \$400 per

case will be assessed. The tissue recovery agency is responsible for this fee, payable to the office of the state medical examiner.

[ARC 0148D, IAB 3/18/26, effective 7/1/26]

These rules are intended to implement Iowa Code section 691.6.

[Filed 11/1/84, Notice 6/6/84—published 11/21/84, effective 12/26/84]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]

[Filed emergency 12/23/88 after Notice of 11/2/88—published 1/11/89, effective 12/23/88]

[Filed emergency 8/29/96—published 9/25/96, effective 9/1/96]

[Filed emergency 6/9/99—published 6/30/99, effective 6/9/99]

[Filed 11/19/01, Notice 10/3/01—published 12/12/01, effective 1/16/02]

[Filed 1/16/03, Notice 11/27/02—published 2/5/03, effective 3/12/03]

[Filed 1/10/07, Notice 11/22/06—published 1/31/07, effective 3/7/07]

[Filed ARC 9533B (Notice ARC 9435B, IAB 3/23/11), IAB 6/1/11, effective 7/6/11]

[Filed ARC 9880B (Notice ARC 9771B, IAB 10/5/11), IAB 11/30/11, effective 1/4/12]

[Filed ARC 3499C (Notice ARC 3212C, IAB 7/19/17), IAB 12/6/17, effective 1/10/18]

[Filed ARC 0148D (Notice ARC 9942C, IAB 1/7/26), IAB 3/18/26, effective 7/1/26]

## **TRANSPORTATION DEPARTMENT[761]**

Rules transferred from agency number [820] to [761] to conform with the reorganization numbering scheme in general IAC Supp. 6/3/87.

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CHAPTER 130  
TRAFFIC CONTROL DEVICE MANUAL  
[Prior to 6/3/87, Transportation Department[820]—(06,K) Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**761—130.1(307,321) Manual.** The “Manual on Uniform Traffic Control Devices” (MUTCD), 11th Edition, dated December 2023, published by the U.S. Department of Transportation, Federal Highway Administration, constitutes the manual and specifications for a uniform system of traffic control devices for use upon any street, highway, or bicycle trail open to public travel within this state.

**130.1(1)** The department makes the following exception to the MUTCD in Part 2, Section 2B.06, General Considerations, paragraph 10. In lieu of the sentence, “Portable or part-time STOP or YIELD signs shall not be used except for emergency and temporary traffic control zone purposes.”, the department adopts the following: “Portable or part-time YIELD signs shall not be used except for emergency and temporary traffic control zone purposes. Portable or part-time STOP signs may be used only in the following situations:

- “1. When necessary for emergency and temporary traffic control zone purposes, or
- “2. In school zones at appropriate school crosswalks.”

**130.1(2)** The department makes the following exception to the MUTCD in Part 2, Section 2M.10, Memorial or Dedication Signing, paragraph 08. In lieu of the sentence, “Decorative or graphical elements, pictographs, logos, or symbols shall not be displayed on memorial or dedication signs.”, the department adopts the following: “Decorative or graphical elements, pictographs, logos, or symbols shall not be displayed on memorial or dedication signs, with the exception of an official pictograph representing an Iowa law enforcement agency.”

**130.1(3)** Information regarding this chapter is available from: Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The MUTCD is available at [www.mutcd.fhwa.dot.gov](http://www.mutcd.fhwa.dot.gov).

This rule is intended to implement Iowa Code sections 307.12(1) “j,” 321.249 and 321.252.

[ARC 0149D, IAB 3/18/26, effective 4/22/26]

[761—Chapter 130 appeared as Highway Commission rule, 1973 IDR, p. 517; amended January 1975 Supplement, p. 89. (Note: No chapter number was given.)]

[Filed 3/11/65; amended 5/16/72, 9/24/74]

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[Filed ARC 0149D (Notice ARC 9775C, IAB 12/10/25), IAB 3/18/26, effective 4/22/26]

<sup>1</sup> Effective date of subrule 2.1(2) delayed until the expiration of 45 calendar days into the 1986 Session of the General Assembly pursuant to Iowa Code section 17A.8(9). The 1986 General Assembly took no formal action; therefore, subrule 2.1(2) is effective 2/28/86.



CHAPTER 802  
NOTIFICATION OF RAILROAD ACCIDENTS OR INCIDENTS  
[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**761—802.1(307,327C) Notification of railroad accidents or incidents.**

**802.1(1)** *Accidents or incidents requiring notification.* Any accident or incident involving train movement that results in any of the following must be reported within 4 hours of the accident or incident to the department's traffic management center by telephone at 515.237.3300 (open year-round, 24 hours a day, including legal holidays):

- a. Fatality.
- b. Personal injury requiring hospitalization.
- c. Derailment of ten or more rail cars and locomotives.
- d. Derailment of any number of cars or locomotives when one or more are not upright.
- e. Derailment or other incident involving a railroad passenger train.
- f. Release or potential release of hazardous materials that presents a risk or potential risk to public safety, including injury, fatality, evacuation or shelter-in-place of persons.
- g. Damage to public or private transportation infrastructure not owned by the involved railroad.

**802.1(2)** *Property damage only.* Any accident or incident involving train movement that results in property damage only must be reported within 24 hours of the accident or incident in the same manner as provided in subrule 802.1(1).

**802.1(3)** *Content of notice.* The notice of an accident or incident is to provide, at a minimum, the following information:

- a. Name of the railroad involved.
- b. Name and contact information of the individual calling to file the notice.
- c. Date and time the accident or incident occurred.
- d. Location of the accident or incident, described as accurately as possible, including the nearest city and the U.S. DOT crossing identification number or railroad milepost.
- e. Description of the accident or incident.
- f. Impact on motor vehicle travel, if known.
- g. Number of injuries and fatalities.
- h. Hazardous materials involved in the incident and actions taken in the event of a release.
- i. Number of rail cars derailed.

This rule is intended to implement Iowa Code sections 307.12(1) "j," 327C.37 and 327C.41.

[ARC 0150D, IAB 3/18/26, effective 4/22/26]

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[Editorial change: IAC Supplement 8/24/22]

[Filed ARC 0150D (Notice ARC 9791C, IAB 12/10/25), IAB 3/18/26, effective 4/22/26]



CHAPTER 811  
HIGHWAY-RAILROAD GRADE CROSSING WARNING DEVICES

[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 2]

Rescinded **ARC 0151D**, IAB 3/18/26, effective 4/22/26

CHAPTER 812  
CLASSIFICATIONS AND STANDARDS FOR  
HIGHWAY-RAILROAD GRADE CROSSINGS

[Substance formerly in (06,A)Ch 1]

[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 3]

Rescinded **ARC 0152D**, IAB 3/18/26, effective 4/22/26



CHAPTER 820  
HIGHWAY GRADE CROSSING SAFETY FUND

[Substance formerly (06,C)Ch 3]  
[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**761—820.1(327G) General.**

**820.1(1) Purpose.** This chapter establishes requirements for use of the safety fund to reimburse railroads for a portion of the maintenance costs associated with active warning devices.

**820.1(2) Definitions.**

“*AAR signal unit*” means the relative maintenance difficulty value assigned to component parts of an active warning device. Units and interpretations are designated by the 2025 Revision of the American Railway Engineering and Maintenance-of-Way Association (AREMA) Communications and Signals Manual, Volume 1, Section 1 (1.3.2) [Recommend Table of Signal and Interlocking Units and Interpretations]. The AREMA publication may be ordered from the website [www.arema.org](http://www.arema.org). A member of the public with questions about specific content in the AREMA may contact the department’s modal transportation bureau.

“*Active warning devices*” means traffic control devices activated by the approach or presence of a train, such as flashing light signals, flashing light signals with cantilever assemblies, and flashing light signals with automatic gate arms, all of which actively warn motorists of a train.

“*Maintenance costs of active warning devices*” means costs incurred by a railroad associated with the repair or replacement of obsolete, worn out, damaged or missing component parts of an active warning device. Maintenance costs include repair or replacement of damaged, vandalized or stolen component parts only for that amount that exceeds the amount recovered from the liable party or the liable party’s insurer.

“*Safety fund*” means the highway grade crossing safety fund established in Iowa Code section 327G.19 and administered by the department.

**820.1(3) Information and submissions.** For information or submissions on this chapter, contact Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or call 515.239.1108. Submissions may be electronically filed with the safety fund program manager.

[ARC 0153D, IAB 3/18/26, effective 4/22/26]

**761—820.2(327G) Eligibility and reimbursement.**

**820.2(1) Eligible costs of warning devices.** The safety fund provides moneys for the annual maintenance costs of active warning devices ordered or agreed to be installed on or after July 1, 1973, as stated in the individual order or agreement.

*a.* Orders or agreements that provide for revision of the maximum amount that can be expended from the safety fund by reason of amendment to Iowa Code section 327G.15 are binding. These orders and agreements were amended to read: The fund’s participation for calendar years preceding 1977 will be equal to that of the railroad but limited to a maximum of \$450 for any one year, for any one crossing; and for calendar year 1977 and subsequent years, the fund may participate in an amount of up to 75 percent of annual maintenance costs of active warning devices based upon a cost for each eligible AAR signal unit.

*b.* Orders or agreements issued on or after March 8, 1978, provide that the safety fund may be used to participate in an amount of up to 75 percent of the annual maintenance costs of active warning devices based upon a cost for each eligible AAR signal unit.

*c.* Participation in annual maintenance costs is on a reimbursement basis.

**820.2(2) Reimbursement.**

*a.* Reimbursement to a railroad for its active warning devices that are eligible for reimbursement under this rule equals the number of AAR signal units for that railroad’s eligible active warning

devices times the average annual maintenance cost per AAR signal unit times the percentage of participation.

(1) Each railroad is to tabulate the number of AAR signal units for each eligible warning device and furnish this tabulation to the department. The department will review the railroads' tabulations for conformance with AAR guidelines.

(2) Each year, the department will compute an average annual maintenance cost per AAR signal unit. This unit cost is to be used by all railroads for billing purposes.

(3) The percentage of participation will not exceed 75 percent.

*b.* Before April 15 of each year, each railroad is to submit one billing to the department covering maintenance costs for the preceding calendar year for all eligible warning devices. Prior to reimbursement, the department may audit the billings to determine conformity of the billings with the orders or agreements. Reimbursement to a railroad may be denied if the railroad fails to submit its billing before April 15.

*c.* If, in any year, the balance of the safety fund is inadequate to fully reimburse all railroads, the department will reimburse each railroad on a pro-rata basis.

*d.* If a warning device has been in operation for less than one calendar year, the maintenance costs will be prorated from the date the device was placed in operation to the end of that calendar year.

[ARC 0153D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code sections 327G.15 and 327G.19.

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CHAPTER 821  
HIGHWAY-RAILROAD GRADE CROSSING SURFACE  
REPAIR FUND

[Substance formerly in (06,C)Ch 3]  
[Prior to 6/3/87, Transportation Department [820]—(10,B)Ch 5]  
Rescinded **ARC 0154D**, IAB 3/18/26, effective 4/22/26

CHAPTER 822  
RAILROAD REVOLVING LOAN AND GRANT FUND PROGRAM

[Prior to 7/1/09, see 765—Ch 5]  
Rescinded **ARC 0155D**, IAB 3/18/26, effective 4/22/26

CHAPTERS 823 to 829  
Reserved

CHAPTER 830  
RAIL ASSISTANCE PROGRAM  
[Prior to 6/3/87, Transportation Department [820]—(10,C)Ch 1]  
Rescinded IAB 4/11/07, effective 5/16/07

CHAPTER 831  
RAILROAD REVOLVING LOAN FUND  
Rescinded IAB 4/11/07, effective 5/16/07

CHAPTERS 832 to 839  
Reserved

CHAPTER 840  
RAIL RATE REGULATION  
Rescinded IAB 5/5/99, effective 6/9/99

CHAPTERS 841 to 899  
Reserved

*PUBLIC TRANSIT*

CHAPTER 900  
CONTRACTS SET ASIDE FOR  
DISADVANTAGED BUSINESS ENTERPRISES

[Prior to 6/3/87, Transportation Department [820]—(09,A)Ch 1]  
Rescinded IAB 9/28/94, effective 11/2/94

CHAPTERS 901 to 909  
Reserved



CHAPTER 921  
ADVANCED ALLOCATIONS OF STATE TRANSIT ASSISTANCE FUNDING  
[Prior to 6/3/87, Transportation Department [820]—(09,B)Ch 2]  
Rescinded **ARC 0156D**, IAB 3/18/26, effective 5/20/26



CHAPTER 922  
FEDERAL TRANSIT ASSISTANCE  
[Prior to 6/3/87, Transportation Department[820]—(09,B)Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**761—922.1(324A) Projects for nonurbanized areas and private nonprofit transportation providers.**

**922.1(1) General information.** As required by 49 U.S.C. Sections 5310, 5311 and 5339, the department has been designated by the governor to administer the following programs within Iowa, subject to review by the Federal Transit Administration (FTA):

*a.* The enhanced mobility of seniors and individuals with disabilities program, providing federal financial assistance for support of public transportation service to improve mobility for seniors and individuals with disabilities.

*b.* The rural areas formula grants program, providing federal financial assistance for support of public transportation in rural areas with populations of less than 50,000 as defined by the U.S. Census Bureau.

*c.* The grants for buses and bus facilities program, providing federal financial assistance for support of capital acquisitions for public transportation providers.

**922.1(2) State management plan.**

*a.* The federal transit assistance programs referenced in subrule 922.1(1) will be administered according to the “Iowa State Management Plan for Administration of Funding and Grants Under the Federal Transit Administration, Sections 5310, 5311, 5316, 5317 and 5339 Programs,” dated May 2020, prepared by the department and approved by the FTA in conformance with FTA Circulars 9040.1H and 9070.1H.

*b.* Copies of the state management plan are available from the modal transportation bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at 515.233.7870; or on the department’s website at [www.iowadot.gov/transit](http://www.iowadot.gov/transit).

This rule is intended to implement Iowa Code chapter 324A and 49 U.S.C. Sections 5310, 5311 and 5339.

[ARC 0157D, IAB 3/18/26, effective 4/22/26]

[Filed 2/20/86, Notice 1/1/86—published 3/12/86, effective 4/16/86]

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[Editorial change: IAC Supplement 2/23/11]

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[Filed ARC 0157D (Notice ARC 9788C, IAB 12/10/25), IAB 3/18/26, effective 4/22/26]



CHAPTER 923  
CAPITAL MATCH REVOLVING LOAN FUND

[Prior to 6/3/87, Transportation Department[820]—(09,B)Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**761—923.1(71GA,ch265) General information.**

**923.1(1) Scope of chapter.** The general assembly appropriated money from the petroleum overcharge fund to the department to be used as a revolving loan fund for transit capital purchases by public transit systems. The revolving loan fund enables public transit systems to obtain the matching funds needed to qualify for capital purchases under state-funded or federally funded programs. The fund provides interest-free loans to public transit systems to allow faster capital acquisitions. Loan recipients shall demonstrate the ability to repay the loan from budgeted funds or revenues.

**923.1(2) Information.** Requests for information and assistance with the preparation and submission of loan requests should be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone at 515.233.7870. Information is also available on the department's website at [iowadot.gov/modes-travel/transit](http://iowadot.gov/modes-travel/transit).

**923.1(3) Definitions.**

*“Project”* means a concerted set of actions that will develop, maintain or improve one or more elements of the public transit system's service.

*“Public transit system”* means the same as defined in Iowa Code section 324A.1.

*“Van pool”* means the same as defined in Iowa Code section 325A.12.

[ARC 0158D, IAB 3/18/26, effective 4/22/26]

**761—923.2(71GA,ch265) System eligibility.** A public transit system is eligible to request a capital match revolving loan provided that the public transit system complies with all of the following criteria:

**923.2(1)** Abides by all applicable state and federal laws and regulations.

**923.2(2)** Maintains primary documentation for all revenues and expenses for a period of at least three years following contract closeout.

**923.2(3)** Maintains the system's policies, routes, schedules, fare structure and budget in a manner that encourages public review, responsiveness to user concerns, energy conservation and fiscal solvency.

[ARC 0158D, IAB 3/18/26, effective 4/22/26]

**761—923.3(71GA,ch265) Project eligibility.**

**923.3(1)** A project is eligible if it meets all of the following criteria:

*a.* The project is a transit-related capital purchase (e.g., new or replacement vehicles, facilities or both).

*b.* The project is an identifiable transit need and is included in the public transit system's adopted transportation improvement program.

*c.* The local funding needed for the project justifiably exceeds the public transit system's capital match funding capability.

**923.3(2)** A project to purchase vans for a van pool may be submitted by an individual or a group through the appropriate local public transit system. A van pool project is eligible for an interest-free loan from the revolving loan fund only after funds for all other projects have been allocated as of July 1 each year.

[ARC 0158D, IAB 3/18/26, effective 4/22/26]

**761—923.4(71GA,ch265) Procedure.**

**923.4(1) *Funding request.*** The public transit system shall submit a funding application for the proposed project to either the department or to the Federal Transit Administration, depending on the type of funding requested.

**923.4(2) *Loan request.*** The appropriate time for a public transit system to submit a request for a revolving fund loan to the department is with the annual grant application, but a request may be submitted at any time if a specific need arises. The request is to include but not be limited to:

- a. A description and cost estimate of the proposed project.
- b. An explanation of the benefits, including projected energy conservation benefits, to be gained from the project.
- c. An explanation and justification of need for the loan.
- d. A proposed schedule of when funds will be needed for the project.
- e. A proposed loan repayment plan with schedule and source of funds.

**923.4(3) *Criteria for selection.*** The department will review each loan request and evaluate the project for funding. Based on the following criteria (in no particular order), preference is given to public transit capital projects that:

- a. Foster coordination among transit services.
- b. Enhance local or regional economic development.
- c. Increase federal funding to the state.
- d. Extend services to the transportation disadvantaged.
- e. Promote energy conservation.
- f. Use the loan as only a portion of the local matching funds required.

**923.4(4) *Approval.*** Based on available funds, the department will approve loans for projects meeting the criteria in rule 761—923.3(71GA,ch265).

**923.4(5) *Agreement.*** Upon approval, the department will prepare a loan contract and send it to the public transit system for execution.

**923.4(6) *Default.*** If a public transit system fails to make a loan payment as agreed in the contract, the department may, at its option, deduct the amount of any past due loan payment from state transit assistance payments allocated to that transit system.

[ARC 0158D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement 1985 Iowa Acts, chapter 265.

[Filed emergency 4/2/86—published 4/23/86, effective 4/4/86]

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[Filed ARC 0158D (Notice ARC 9789C, IAB 12/10/25), IAB 3/18/26, effective 4/22/26]

CHAPTER 924  
PUBLIC TRANSIT INFRASTRUCTURE GRANT PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

**761—924.1(324A) Purpose.** The purpose of the public transit infrastructure grant program is to provide funding for the improvement of the vertical infrastructure of Iowa's designated public transit systems.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.2(324A) Definitions.** The definitions in Iowa Code sections 324A.1 and 8.57(3) "c" apply to this chapter.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.3(324A) Information and forms.** Information, instructions and application forms are available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; by telephone at 515.233.7870; or from the department's website at [iowadot.gov/modes-travel/transit](http://iowadot.gov/modes-travel/transit).

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.4(324A) Project eligibility.** Projects may be considered for funding if:

**924.4(1)** The project is included in a locally approved transportation improvement program and in the statewide transportation improvement program.

**924.4(2)** A local match for the project is currently available.

**924.4(3)** The project is capable of being substantially completed within 18 months of project selection.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.5(324A) Eligible project activities.** Activities eligible for reimbursement include but are not limited to:

**924.5(1)** Construction, expansion or renovation of facilities, including associated design, land acquisition, grading and foundation work, for administration of public transit operations; servicing, maintenance or storage of public transit vehicles; transit vehicle fueling; or passenger waiting.

**924.5(2)** Relocating an existing administrative or maintenance facility, if necessary, to correct violations of safety or design standards. Such a project may include any associated design, land acquisition, grading and foundation work.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.6(324A) Ineligible project activities.** A transit facility may be incorporated into a larger project, such as an intermodal facility, a headquarters for the umbrella organization sponsoring the transit program or a public works facility. Any costs attributable to the nontransit elements of the larger project are not eligible under this program.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.7(324A) Funding.**

**924.7(1)** Program funds may reimburse up to 80 percent of transit-related project costs. Assistance from the public transit infrastructure grant program, when combined with federal or other state resources, will not exceed 80 percent of the project's transit-related costs.

**924.7(2)** At least 20 percent of transit-related project costs must be provided from local sources by the sponsoring transit system in cash or value of real property.

**924.7(3)** No single public transit system may receive more than 40 percent of the funding available in one year.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.8(324A) Project applications.**

**924.8(1)** Project applications shall be submitted to the department.

**924.8(2)** Each application shall contain:

*a.* General information, including the transit system name, contact person, mailing address, email address and telephone number.

*b.* A project data sheet, including:

(1) A brief description of the project, its purpose and anticipated benefits to the transit program.

(2) Cost information including total project cost and an itemized breakdown of project components (including transit vs. nontransit costs).

(3) The proposed implementation schedule.

(4) A statement of the applicant's ability to complete the project.

(5) A sketch of the project.

*c.* Documentation of project justification.

*d.* A resolution from the governing body of the sponsoring transit system endorsing the project and authorizing the necessary local funding match.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.9(324A) Review and approval.** Department staff will review project applications and submit recommendations to the transportation commission. The transportation commission is responsible for approving the projects to be funded.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.10(324A) Project priorities.** The transportation commission shall consider the following in project selection:

**924.10(1)** Benefits of project to the transit program in terms of:

*a.* Enhancement of the life of the transit vehicle fleet.

*b.* Enhancement to transit services.

*c.* Increased ridership.

**924.10(2)** Readiness to proceed.

**924.10(3)** Feasibility of timely completion of the proposed project.

**924.10(4)** Ability of the project to leverage other funds.

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

**761—924.11(324A) Project agreement, administration and ownership.**

**924.11(1)** *Agreement.* After a project has been approved, the department will enter into an agreement with the transit system sponsoring the project.

**924.11(2)** *Payments.* Payments to the transit system sponsor for eligible project costs will be made on a cost reimbursement basis.

**924.11(3)** *Ownership.* The transit system must retain ownership of the new, renovated or repaired structure or facility for its useful life. If the structure or facility is transferred or sold before the useful life has expired, the transit system must repay the prorated state interest to the department. Useful life thresholds can be found in the department's transit manager's handbook, which is available on the department's website at [iowadot.gov/modes-travel/transit](http://iowadot.gov/modes-travel/transit).

[ARC 0159D, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code sections 8.57, 324A.1 and 324A.6A.

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